



## **TOWN OF ARLINGTON ZONING BYLAW**

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# SECTION 1. PURPOSE AND AUTHORITY

## 1.1 TITLE

This Bylaw shall be known and may be cited as the "Zoning Bylaw of the Town of Arlington, Massachusetts," hereinafter referred to as "this Bylaw."

## 1.2 PURPOSES

The purpose of this Bylaw is to promote health, safety, convenience, morals and welfare of the inhabitants of the Town of Arlington; to lessen congestion in the streets; to conserve health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to encourage housing for persons at all income levels; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to protect and preserve open space as a natural resource, for the conservation of natural conditions for flora and fauna and to serve as urban amenity for scenic and aesthetic enjoyment and recreational use; to conserve the value of land and buildings; to encourage the most appropriate use of land throughout the Town; to achieve optimum environmental quality through review and cooperation by the use of incentives, bonuses and design review; and to preserve and increase its amenities and to encourage an orderly expansion of the tax base by utilization, development, and redevelopment of land. It is made with reasonable consideration to the character of the district and to its peculiar suitability for particular uses, with a view to giving direction or effect to land development policies and proposals of the Redevelopment Board, including the making of Arlington a more viable and more pleasing place to live, work, and play.

## 1.3 AUTHORITY

This Bylaw is enacted under the authority of [Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts](#) and in accordance with [G.L. c 40A](#), as amended.

## 1.4 APPLICABILITY

All buildings or structures erected, constructed, reconstructed, altered, enlarged, or modified, and the use of all premises in the Town, after the effective date of this Bylaw shall conform with the provisions of this Bylaw. No building, structure, or land shall be used for any purpose or in any manner other than as expressly permitted within the district in which it is located. Whenever the regulations made under the authority hereof differ from those prescribed by any statute, bylaw, other section of the Zoning Bylaw, or other regulation, that provision which imposes the greater restriction, or the higher standard shall govern.

## **1.5 AMENDMENT**

This Bylaw may from time to time be changed by amendment, addition, or repeal by the Town Meeting in the manner provided for in G.L. c. 40A, § 5. When a petition for a change in the zoning map is filed, such petition shall show that copies of the petition have been sent by registered or certified mail to all owners and immediate abutters of the land referred to in the petition. The Department of Planning and Community Development shall provide advance notice of the Redevelopment Board public hearing on the petition by first class mail, postage prepaid, to the petitioner, the owners of the land, abutters of the land, owners of land directly opposite on any public or private street or way, and abutters to the abutters within three hundred feet of the property line of the owners as they appear on the most recent applicable tax list.

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## **1.6 SEVERABILITY**

The invalidity of any section or provision of this Bylaw shall not invalidate any other section or provision herein.

## SECTION 2. DEFINITIONS

In this Bylaw and unless the context of usage clearly indicates another meaning, the following terms shall have the meanings indicated herein. Words used in the present tense include the future. The singular includes the plural and the plural includes the singular. The word "and" includes "or" unless the contrary is evident from the text. The word "includes" or "including" shall not limit a term to specified examples, but is intended to extend its meaning to all other instances, circumstances, or items of like character or kind. The words "used" or "occupied" include the words "designed," "arranged," "intended," or "offered," to be used or occupied; the words "building," "structure," "lot," "land," or "premises" shall be construed as though followed by the words "or any portion thereof"; and the word "shall" is always mandatory and not merely directory.

Terms and words not defined herein but defined in the State Building Code shall have meanings given therein unless a contrary intention clearly appears. Words not defined in either place shall have the meaning given in the most recent edition of Webster's Unabridged Dictionary.

**Abandonment:** The cessation of a use as indicated by the visible or otherwise apparent intention of an owner to discontinue a use of a structure or lot; or the removal of the characteristic equipment or furnishing used in the performance of the use, without its replacement by similar equipment or furnishings; or the replacement of a nonconforming use or structure by a conforming use or structure.

**Accessory Dwelling Unit:** ~~A self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same lot as a principal dwelling.~~

**Adult Day Care:** A facility providing non-residential social, supportive, or health services, dementia services, or any combination thereof, to the elderly and people of any age with disabilities, licensed if applicable by the Massachusetts Department of Public Health.

**Adult Uses:** All uses as described and defined in [Massachusetts General Laws Chapter 40A, § 9A](#), as amended.

### Definitions Associated with Affordable Housing

**Affordable Units:** Rental Units priced such that the rent (including utilities) shall not exceed 30% of the income of a household at 60% of median income; or, for homeownership units, priced such that the annual debt service on a mortgage plus taxes, insurance, and condominium fees (assuming a 5% down payment) shall not exceed 30% of the income of a household at 70% of median income.

**Area Median Income:** The median family income for the metropolitan statistical region that includes the Town of Arlington, as defined by the U.S. Department of Housing and Urban Development (HUD).

**Eligible Household:** For ownership units, a household whose total income does not exceed 80% of Area Median Income, adjusted for household size. For rental units, a household

whose total income does not exceed 70% of Area Median Income, adjusted for household size.

**Fair Market Rent:** An amount determined by the U.S. Department of Housing and Urban Development and used by the Arlington Housing Authority to determine the maximum rental payment to be paid to an owner under the Section 8 program, adjusted for unit size and with an allowance for utility costs.

**Alteration:** Any construction, reconstruction, or other similar action resulting in a change in the structural parts, height, number of stories, exits, size, use, or location of a building or other structure.

**Apartment Conversion:** The conversion of an existing structure originally designed for one-family or two-family use to an apartment building with no addition to or expansion of the exterior of the structure.

**Arlington Redevelopment Board:** The Arlington Redevelopment Board (“ARB”) which was vested with the rights and powers of a planning board by the Massachusetts General Court in [Chapter 783 of the Acts of 1971](#).

#### **Definitions Associated with Art/Cultural Uses**

**Artists' Mixed-use:** The use of all or a portion of a building for both habitation and Artistic/Creative Production use, or a combination thereof. Refer to Section 5.6.4.

**Co-working Space:** A building or portion thereof consisting of a shared office environment, which contains desks or other workspaces and facilities, including but not limited to, dedicated workstations, office suites, meeting rooms, event space, resource libraries, and business or administrative support services, and is used by a recognized membership who share the site to interact and collaborate with each other. Refer to Section 5.6.4.

**Maker Space:** A building or portion thereof used for the on-site production of parts or finished products by individual or shared use of hand-tools, mechanical tools, and electronic tools. Maker Spaces may include space for design and prototyping of new materials, fabrication methodologies, and products, as well as space for packaging, incidental storage, sales, and distribution of such projects. Typical uses include but are not limited to: electronic goods; printmaking; leather products; jewelry and clothing/apparel; metal work; furniture; woodworking and cabinet shops; glass or ceramic production; and paper design and production. Refer to Section 5.6.4.

**Work Only Artist Studio:** A space used by an artist for the creation of any visual art or craft, including but not limited to, painting, drawing, photography, sculpture, and pottery; of written works of fiction or nonfiction; or any performing art, whether for live or recorded performance, including music, dance, and theater. Retail sales of art produced on-site and arts instruction by the artist are allowable accessory uses.

**Artisanal Fabrication:** Production of goods using hand tools or small-scale, light mechanical equipment occurring solely within an enclosed building where such production requires no outdoor operations or storage. Typical uses have minimal negative impact on surrounding properties and include, but are not limited to, woodworking and cabinet

shops, ceramic studios, jewelry manufacturing and similar types of arts and crafts, production of alcohol, or food processing.

**Artistic/Creative Production:** Creation, production, manufacture, distribution, publishing, rehearsal, performance, broadcast, selling, or teaching of the visual arts, performing arts, applied arts, literature, heritage, media, music, information technology, communications media, or digital content and applications; or the invention, design, prototyping, or fabrication, assembly, and packaging of parts for further assembly or consumer goods for sale.

**Assisted Living Residence:** A residential development subject to certification under [G.L. Chapter 19D](#), which provides room and board; provides assistance with activities of daily living for three or more adult residents who are not related by consanguinity or affinity to their care provider; and collects payments or third-party reimbursement from or on behalf of residents to pay for the provision of assistance.

**Athletic Facility, Indoor:** A facility comprised of one or more buildings or structures, with or without seating for spectators, providing accommodations for a variety of individual, organized, or franchised sports, such as but not limited to basketball, ice hockey, wrestling, soccer, tennis, volleyball, racquetball, or handball. The facility may also provide health and fitness club facilities, swimming pool, snack bar, retail sales of related sports, health or fitness items, and other support facilities.

**Attic:** An unfinished, non-habitable space immediately below the roof of a building, typically used for storage or mechanical equipment.

#### **Definitions Associated with Auto Uses**

**Auto Body Shop:** A facility providing major automobile repair services such as repair, rebuilding, and reconditioning of engines or automobiles, or collision services for automobiles, such as body, frame, or fender straightening and repair, or overall painting of automobiles.

**Auto Repair Shop:** A facility for the general repair of automobiles, motorcycles or noncommercial trucks, including rebuilding, or reconditioning of engines, and the sale, installation, and servicing of equipment and parts.

**Auto Service Station:** A building, structure or land use with no more than three service bays primarily for the dispensing or sale of automotive fuels, oils or accessories, including lubrication of automobiles, replacement or installation of parts and accessories, and washing of automobiles.

**Awning:** A roof-like covering stretched upon a frame that is affixed to a building and used above or before any place as a shelter from rain or sun.

**Basement:** A portion of a building, partly below grade, which has more than one-half of its height, measured from finished floor to finished ceiling, above the average finished grade of the ground adjoining the building.

**Bed and Breakfast:** A dwelling with a resident owner or manager in which lodging units are rented and breakfast is served to the people occupying the lodging units.

**Definitions Associated with Building**

**Building:** A combination of any materials, whether portable or fixed, having a roof, enclosed within exterior walls or fire walls, built to form a structure for the shelter of persons, animals or property. For purposes of this definition, "roof" shall include an awning or any similar covering, whether or not permanent in nature.

**Building, Accessory:** A building, the use of which is customarily incidental and subordinate to that of the principal building, and which is located on the same lot as that occupied by the principal building or an adjacent lot in the same ownership.

**Building Area:** The aggregate of the maximum horizontal cross-sectional area of all buildings on a lot exclusive of cornices, eaves, gutters, chimneys, steps, unenclosed porches, bay windows, balconies, and terraces.

**Building, Attached:** A building having any portion of one or more walls in common with adjoining buildings.

**Building Coverage:** The building area expressed as a percentage of the total lot area.

**Building, Detached:** A building with no physical connection to another building.

**Building Height:** The vertical distance of the highest point of the roof above the average grade of the curb line abutting the property. Refer to Sections 5.3.19, 5.3.20, and 5.4.2.B(5) for detailed exceptions.

**Building Line, Front:** A line drawn parallel to the front boundary of a lot along the front foundation wall of a building or through the point on a building closest to the front boundary.

**Building, Nonconforming:** A building, lawfully existing at the time of adoption of this Bylaw, or any subsequent amendment thereto, which does not conform to one or more of the applicable dimensional and density regulations for the district in which the building is located. (See also, Nonconformance.)

**Building, Setback Line:** The line beyond which a building shall not extend, except as specifically provided by this Bylaw.

**Building Step Back:** Upper story building setback provided along all building elevations with street frontage, excluding alleys.

**Building, Principal:** A building in which is conducted the principal use of the lot on which it is located.

**Carport:** A roofed structure, unenclosed on two or more sides, which may serve as a shelter for motor vehicles.

**Catering Service:** Facility for the provision of prepared food for delivery and presentation to an off-premises location. Services may include provision of associated service staff and equipment.

**Cellar:** A portion of a building, partly or entirely below grade, which has more than one-half of its height, measured from finished floor to finished ceiling, below the average finished grade of the ground adjoining the building.

**Certificate of Occupancy:** A statement under the State Building Code signed by the Inspector of Buildings, setting forth either that a building or structure complies with the Zoning Bylaw or that a building, structure or parcel of land may lawfully be employed for specified uses, or both.

**Child Care Facility:** A facility operated on a regular basis by an entity licensed by the Massachusetts Department of Early Education and Care under [G.L. c. 15D, § 1A](#), which may be known as a child nursery, nursery school, kindergarten, child play school, progressive school, child development center, pre-school, or known under any other similar name, which receives children not of common parentage under seven years of age, or under 16 years of age if they are children with special needs, for nonresidential custody and care during part or all of the day, separate from their parent(s).

**Commercial Vehicle:** Any truck, including but not limited to step vans and cube vans, or bus, or a registered motor vehicle including but not limited to passenger car, pickup truck, or passenger van on which is affixed any writing or logo to designate the business or professional affiliation of said vehicle, or where tools of said business or professional affiliation are visibly stored on the exterior of the vehicle, or a recreational vehicle used in conjunction with a business. A pickup truck not used for commercial purposes and on which there is no writing or logo to designate a business or professional affiliation and which does not have tools visible on the outside shall not be considered a commercial vehicle for purposes of the bylaw.

**Common Land:** A parcel or parcels of outdoor space in a Planned Unit Development, maintained and preserved for outdoor uses, and designed and intended for the use or enjoyment of residents of the planned unit development, but not including parking areas or ways, public or private. Common land may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of residents of the planned unit development including walks, patios, benches, playground facilities, and terraced areas.

**Conservation Land:** A tract or patch of land reserved for the protection, development and promotion of natural resources and for the protection of watershed resources, as well as for use as open space or for passive outdoor recreation.

**Consumer Service Establishment:** Business such as lawnmower or bicycle repair, upholsterer, small tool and equipment rental, or small appliance repair.

### Definitions Associated with Court

**Court:** An open, uncovered unoccupied space partially or wholly surrounded by the walls of a structure.

**Court, Inner:** A court surrounded on all sides by the exterior walls of a structure.

**Court, Outer:** A court having at least one side thereof opening onto a street, alley or yard or other permanent open space.

**Deck:** A roofless outdoor space built as an above-ground platform projecting from the wall of a building and connected by structural supports at grade or adjacent to the building structure.

**District:** A zoning district as established by Section 4 of this Bylaw.

**Driveway:** An area on a lot which is open to the sky and which may be paved and not more than 20 feet wide, built for access to a garage or an off-street parking or loading space.

### **Definitions Associated with Dwelling**

**Accessory Dwelling Unit:** A self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same lot as a principal dwelling.

**Apartment Building:** A multi-family building designed or intended or used as the home or residence of four or more households, each in a separate dwelling unit, living independently of each other and who may have a common right in halls and stairways.

**Dormitory:** A dwelling, under the ownership or control of an educational, charitable or philanthropic organization which provides separate rooms or suites for the semi-permanent occupancy of individuals or groups of up to four individuals per room, with common bath and toilet facilities and without individual cooking facilities.

**Dwelling:** A privately or publicly owned permanent structure, whether owned by one or more persons or in condominium, or any other legal form which is occupied in whole or part as the home residence or sleeping place of one or more persons. The terms "efficiency," "single-family," "two-family," "duplex", "three-family" or "multi-family" dwelling, or single-room occupancy building, shall not include hotel/motel, bed and breakfast, hospital, membership club, mixed-use, or mobile home.

**Dwelling Unit:** A separated portion of a building containing living, sleeping, housekeeping accommodations, and sanitary facilities for occupancy by one household.

**Duplex Dwelling:** A building containing two dwelling units joined side by side or front to back, sharing a common wall for all or substantially all of its height and depth; that is, in which no part of one dwelling unit is over any part of the other dwelling unit. A duplex shall be considered as one principal building occupying one lot for the purposes of determining yard requirements.

**Group Home:** A dwelling, owned or leased by a state agency or a non-profit organization on behalf of a state agency, operated as a supervised residence for adults with severe disabilities, which may include educational, social, health care, and other supportive services.

**Multi-family Dwelling:** A building containing 4 or more dwelling units.

**Single-Family Dwelling:** A building containing only one dwelling unit.

**Single-Room Occupancy Building:** A building with four or more rooms for occupancy by individuals not living as a single housekeeping unit, with shared cooking and living facilities and which may have individual or shared sanitation facilities. The term

“single-room occupancy building” shall not include apartment buildings, hotels, nursing homes, dormitories, or assisted living residences

**Three-Family Dwelling:** A building containing three dwelling units.

**Townhouse Structure:** A row of at least three single-family attached dwelling units whose sidewalls are separated from other dwelling units by a fire separation wall or walls, and where each unit has its own at-grade access.

**Two-Family Dwelling:** A building containing two dwelling units, in which part of one dwelling unit is over part of the other dwelling unit.

**Enclosed Entrance (or Vestibule):** Anteroom, mudroom, or small foyer or lobby leading into a dwelling unit or leading into a larger space in a nonresidential building such as an entrance hall or interior common area.

**Erected:** The word erected shall include the words attached, built, constructed, reconstructed, altered, enlarged, and moved.

**Essential Services:** Services provided by a public utility or governmental agency through erection, construction, alteration, or maintenance of gas, electrical, steam, or water transmission or distribution systems and collection, communication, supply, or disposal systems, whether underground or overhead. Facilities necessary for providing essential services include poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories, but excluding buildings necessary for the furnishing of adequate service by the public utility or governmental agency for the public health, safety, or general welfare.

**Family or Household:** An individual or two or more persons related within the second degree of kinship, or by marriage or adoption living together as a single housekeeping unit and including necessary domestic help such as nurses or servants and further including not more than three lodgers or roomers taken for hire. A group of individuals not related by blood or marriage, but living together as a single housekeeping unit, may constitute a household.

**Farm (or Agriculture):** As defined in [G.L. c. 128, § 1A](#).

**Flood Map:** A map prepared by the Federal Emergency Management Administration (FEMA) designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance components of the National Flood Insurance Program.

**Floodway:** The limits of flooding from a particular body of water caused by a storm whose frequency or occurrence is once in a given number of years, as determined by FEMA or a licensed professional acceptable to the Conservation Commission.

**Floor Area Ratio:** The ratio of the gross floor area to the total area of the lot.

**Frontage:** The front part of a building or lot abutting on a public or private way approved by the Town. Frontage shall be measured in a continuous line along the front lot line between the points at the intersections of the side lot lines with the front lot line.

**Funeral Home:** A building used for preparing the deceased for burial and arranging and managing funerals. A funeral home may include a funeral chapel.

**Garage, Private:** Any building or portion of a building, accessory to and located upon the same lot as a residential building or upon a lot in the same ownership and adjacent to the lot on which the served residential building is located, which is used for the keeping of a motor vehicle or motor vehicles and in which no business or industry dealing with sales, servicing, or repair of such vehicles is carried on.

**Garage, Public:** Any building used for the keeping of motor vehicles in which a business dealing with the storage of such vehicles is maintained either for profit or public service. Such business shall not involve the repair or servicing of any motor vehicles.

**Gross Floor Area:** The sum of the horizontal areas of all stories of a building or buildings on a lot, measured from the exterior faces of exterior walls, or in the case of a common wall separating two buildings, from the centerline of such common wall as regulated under Section 5.3.22.

**Ground-Mounted Solar Photovoltaic Installation:** A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and does not exceed 20 feet in height.

**Group Home:** ~~A dwelling, owned or leased by a state agency or a non-profit organization on behalf of a state agency, operated as a supervised residence for adults with severe disabilities, which may include educational, social, health care, and other supportive services.~~

**Health Club:** An establishment, operated for profit, providing space or facilities for physical exercise or for participating in sports activity.

**Home Occupation:** An accessory use which is carried on entirely within a dwelling unit, and is incidental and subordinate to the dwelling use which does not include retail sale of merchandise on the premises nor alter the residential character of the lot or building as regulated under Section 5.9.1. Home occupation shall not include: Personal Service Establishment Uses; Office, Business or Professional Uses; commercial stables or kennels, or teaching of more than three pupils simultaneously, and in the case of music instruction, teaching of more than one pupil at a time.

**Hospital:** An institution licensed by the Commonwealth of Massachusetts and certified by the American Hospital Association as an accredited hospital providing health services for in-patient and/or out-patient medical or surgical care of the sick or injured and including related facilities such as, but not limited to, laboratories, out-patient departments, central staff service facilities, and staff offices which are an integral part of the institution.

**Hospital, Veterinary:** A building providing for the diagnosis and treatment of ailments of animals other than human, including facilities for overnight care.

**Hotel/Motel:** A building in which temporary lodging is offered for compensation, with or without associated amenities.

Inspector of Buildings: Inspector of Buildings (“Building Inspector”), Arlington, Massachusetts.

Junk: Any worn out, castoff, or discarded articles or material which is ready for destruction or has been collected or stored for salvage or conversion to some use.

Junk Yard: The use of more than 200 square feet of the area of any lot, whether inside or outside a building, or the use of any portion of any lot that joins any street, for the storage, keeping or abandonment of junk.

### **Definitions Associated with Light Manufacturing**

Brewery, Distillery, and Winery: A small, independently owned facility in which alcoholic beverages produced on-site are bottled and sold, typically in conjunction with a bar, tavern, or restaurant use. This includes the substantial equivalent to breweries, distilleries, and wineries. Refer to Section 5.6.4.

Flex Space: A combination of commercial activities under a single commercial entity, such as light manufacturing, office, distribution, research and development, or retail uses. Refer to Section 5.6.4.

Food Production Facility: Food and beverage manufacturing plants that transform raw materials into products for intermediate or final consumption by applying labor, machinery, energy, and scientific knowledge. Food production facilities do not include marijuana establishments or medical marijuana treatment centers. Refer to Section 5.6.4.

Self-Service Storage Facility: A building consisting of small, individual self-contained units that are leased or owned for the storage of business and household goods or contractor supplies but precluding individual storage units that have at grade and direct vehicular access.

Vertical Farming: A building used for the practice of producing food on vertically inclined surfaces in vertically stacked layers. Vertical farming does not include marijuana establishments or medical marijuana treatment centers. Refer to Section 5.6.4.

Loading Space: An off-street space used exclusively for loading and unloading of goods and materials from one vehicle.

### **Definitions Associated with Lot**

Lot: An area or parcel of land or any part thereof, not including water area, in common ownership; designated on a plan filed with the Inspector of Buildings by its owner or owners as a separate lot and having boundaries identical with those recorded in the Middlesex County Registry of Deeds.

Lot, Corner: A lot at the junction of and abutting on two or more intersecting streets or ways, the interior angle or intersection of street lot lines or, in the case of a curved street, extended lot lines, being not more than 135 degrees.

Lot, Interior: A lot, the side lines of which do not abut on a street.

**Lot, Nonconforming:** A lot lawfully existing at the effective date of this Bylaw, or any subsequent amendment thereto, which is not in accordance with all provisions of this Bylaw. (See also Nonconformance)

**Lot, Through:** A lot, the front and rear lot lines of which abut streets; or a corner lot, two opposite lines of which abut streets.

**Lot Line, Front:** The property line dividing a lot from a street right-of-way. For purposes of this definition, neither the Minuteman Bikeway nor any railroad right-of-way shall be deemed to be a street right-of-way.

**Lot Line, Rear:** Any lot line which is parallel to or within 45 degrees of being parallel to a front lot line, except for a lot line that is itself a front lot line, and except that in the case of a corner lot the owner shall have the option of choosing which of the two lot lines that are not front lot lines is to be considered a rear lot line. In the case of a lot having no street frontage or a lot of odd shape, only the one lot line furthest from any street shall be considered a rear lot line.

**Lot Line, Side:** Any lot line not a front or rear lot line.

**Lot Width:** The minimum horizontal distance between the side lot lines, or in the case of a corner lot, the minimum horizontal distance between the side lot line and the opposite lot line.

**Manufacturing, Light:** The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging products, and incidental storage, sales, and distribution of the same, but excluding basic industrial processing, custom manufacturing, or artisanal fabrication.

#### **Definitions Associated with Marijuana and Marijuana Establishments:**

**Independent Testing Laboratory:** A laboratory that is licensed by the Cannabis Control Commission (the Commission) and is: (a) accredited to the International Organization for Standardization 17025 (ISO/IEC 17025: 2017) by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the Commission; (b) independent financially from any Medical Marijuana Treatment Center (also known as a Registered Marijuana Dispensary or RMD), Marijuana Establishment or licensee for which it conducts a test; and (c) qualified to test marijuana in compliance with [935 CMR 500.160](#) and [M.G.L. c.94C, § 34](#).

**Marijuana:** Also known as Cannabis, means all parts of any plant of the genus Cannabis not excepted below and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; clones of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in [M.G.L. c.94G, § 1](#); provided that cannabis shall not include: (a) the mature stalks of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination;

(b) hemp; or (c) the weight of any other ingredient combined with cannabis or marijuana to prepare topical or oral administrations, food, drink, or other products.

**Marijuana Cultivator:** An entity licensed to cultivate, process and package marijuana, and to transfer marijuana to other Marijuana Establishments, but not to consumers. A Craft Marijuana Cooperative is a type of Marijuana Cultivator, pursuant to [935 CMR 500.00](#).

**Marijuana Delivery-Only Retailer<sup>1</sup>:** An entity licensed by the Massachusetts Cannabis Control Commission to deliver directly to consumers from a Marijuana Retailer or a Medical Marijuana Treatment Center and that does not provide a retail location accessible to the public.

**Marijuana Establishment:** A Marijuana Cultivator, Craft Marijuana Cooperative, Marijuana Product Manufacturer, Marijuana Retailer, Marijuana Delivery-Only Retailer, Independent Testing Laboratory, Marijuana Research Facility, or any other type of licensed marijuana-related business except not a Medical Marijuana Treatment Center, also known as a Registered Marijuana Dispensary or RMD.

**Marijuana Microbusiness:** A co-located Marijuana Establishment that can be either a Tier 1 Marijuana Cultivator or Product Manufacturer or both, pursuant to [935 CMR 500.00](#), in compliance with the operating procedures for each license, and if in receipt of a Delivery Endorsement issued by the Cannabis Control Commission, may deliver Marijuana or Marijuana Products produced at the licensed location directly to consumers in compliance with establish regulatory requirements for retail sale as it relates to delivery. A Microbusiness that is a Marijuana Product Manufacturer may purchase no more than 2,000 pounds of marijuana per year from other Marijuana Establishments, pursuant to [935 CMR 500.00](#).

**Marijuana Production Facility:** An establishment authorized to cultivate, manufacture, process, or package marijuana products, in accordance with applicable state laws and regulations. A Marijuana Production Facility may be licensed to operate as a Marijuana Microbusiness, Marijuana Cultivator or Marijuana Product Manufacturer, or registered as Medical Marijuana Treatment Center (also known as a Registered Marijuana Dispensary or RMD), or a co-located medical and non-medical establishment, in accordance with applicable state laws and regulations.

**Marijuana Products:** Marijuana and its products unless otherwise indicated. These include products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

**Marijuana Product Manufacturer:** An entity licensed to obtain, manufacturer, process and package marijuana products and to transfer these products to other Marijuana Establishments, but not to consumers.

<sup>1</sup> The language seen here in Section 2 is the language that was adopted by the 2021 Annual Town Meeting. Per the Office of the Attorney General's approval of the April 26, 2021 Annual Town Meeting amendments, the Town must ensure that this section is applied consistent with 935 CMR 500.00 as updated effective January 8, 2021.

**Marijuana Research Facility:** A Marijuana Research Facility is an academic institution, non-profit corporation or domestic corporation or entity authorized to do business in the Commonwealth of Massachusetts. Such Marijuana Research Facility may cultivate, purchase or otherwise acquire marijuana for the purpose of conducting research regarding Marijuana and Marijuana Products. Any research involving humans must be authorized by an Institutional Review Board. A Marijuana Research Facility may not sell marijuana it has cultivated.

**Marijuana Retailer<sup>2</sup>:** An entity licensed to purchase and transport Marijuana Products from Marijuana Establishments and to sell or otherwise transfer this product to Marijuana Establishments and to consumers. A Marijuana Retailer can deliver Marijuana or Marijuana Products to consumers in accordance with the regulations at [935 CMR 500.00](#). A Marijuana Retailer may not allow on-site social consumption by consumers on the premises of the Marijuana Establishment.

**Marijuana Use:** A Marijuana Production Facility (See “Marijuana Cultivator”, “Marijuana Product Manufacturer”, “Marijuana Microbusiness”, and “Marijuana Production Facility”), Marijuana Research and Testing Facility (See “Independent Testing Laboratory” and Marijuana Research Facility”), Marijuana Retailer, Marijuana Delivery-Only Retailer, or Medical Marijuana Treatment Center as defined in this Zoning Bylaw.

**Medical Marijuana Treatment Center:** An entity licensed under 935 CMR 501.101, also known as a “registered marijuana dispensary” (RMD) that acquires, cultivates, possesses, processes (including development of related products such as edibles, marijuana-infused products, tinctures, aerosols, oils, or ointments), repackages, transports, sells, distributes, delivers, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers for medical use. Unless otherwise specified, Medical Marijuana Treatment Center refers to the site(s) of dispensing, cultivation, and preparation of cannabis or marijuana for medical use.

**Marquee:** A rigid surface canopy structure projecting from a building over an exterior entrance thereto and used as a shelter from rain or sun.

**Membership Club:** A social, sports, or fraternal association or organization which is used exclusively by members and their guests.

**Mixed-Use:** A combination of two or more distinct land uses, such as commercial, lodging, research, cultural, artistic/creative production, artisanal fabrication, residential in a single multi-story structure to maximize space usage and promote a vibrant, pedestrian-oriented live-work environment.

**Nonconformance:** A condition that occurs when a lot, structure, building, sign, development, or land use that legally existed before the effective date of this Bylaw or any

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<sup>2</sup> The language seen here in Section 2 is the language that was adopted by the 2021 Annual Town Meeting. Per the Office of the Attorney General's approval of the April 26, 2021 Annual Town Meeting amendments, the Town must ensure that this definition of marijuana retailer is applied consistent with 935 CMR 500.000, as updated effective January 8, 2021.

amendments to it does not conform to one or more of the regulations that currently applies to the district in which the lot, structure, building, sign, development, or use is located.

### **Definitions Associated with Office**

**Office, Business or Professional:** A building or portion of a building used to provide services to customers or clientele, such as an insurance agency or a real estate office, or a service that involves some specialized skill or knowledge typically obtained through advanced education and training, such as an attorney or architect. The term “Office, business or professional” shall not include medical offices for a physician, dentist, or other health care professionals. (See “Office, Medical or Clinic”.)

**Office, Medical or Clinic:** A building or portion of a building containing offices and facilities for providing medical, dental, psychiatric, and related health care services for outpatients only. “Office, Medical or Clinic” shall not include a hospital.

### **Definitions Associated with Open Space**

**Open Space:** A yard including sidewalks, swimming pools, terraced areas, decks, patios, play courts, and playground facilities; and not devoted to streets, driveways, off-street parking or loading spaces, or other paved areas.

**Open Space, Landscaped:** Open space designed and developed for pleasant appearance in trees, shrubs, ground covers and grass, including other landscaped elements such as natural features of the site, walks and terraces, and also including open areas accessible to and developed for the use of the occupants of the building located upon a roof not more than 10 feet above the level of the lowest story used for dwelling purposes. Refer to Section 5.3.22.C. for how to calculate landscaped open space.

**Open Space, Usable:** The part or parts of a lot designed and developed for outdoor use by the occupants of the lot for recreation, including swimming pools, tennis courts, or similar facilities, or for garden or for household service activities such as clothes drying; which space is at least 75% open to the sky, free of automotive traffic and parking, and readily accessible by all those for whom it is required. Such space may include open area accessible to and developed for the use of the occupants of the building and located upon a roof not more than 10 feet above the level of the lowest story used for dwelling purposes. Open space shall be deemed usable only if at least 75% of the area has a grade of less than 8%, and no horizontal dimension is less than 25 feet. For newly constructed single-, two-family, and duplex dwellings with surface parking, no horizontal dimension shall be less than 20 feet. Refer to Section 5.3.22.C. for how to calculate usable open space.

**Outdoor Storage Area:** A space outside of a building which is used to keep merchandise for use, goods to be processed, or machinery for use.

**Owner:** The duly authorized agent, attorney, purchaser, devisee, trustee, lessee, or any person having vested or equitable interest in the use, structure or lot in question.

**Parking, Accessory:** Parking developed to serve the residents, occupants, employees, patrons, or other users of a building or use, or developed to meet requirements specified in Section 6.

**Penthouse:** An enclosed structure above the roof of a building, other than a roof structure, extending not more than 12 feet above the roof and occupying not more than 33.3% of the roof area.

**Personal Service Establishment:** Retail establishments primarily engaged in providing individual services generally related to personal needs such as but not limited to a barber shop, hair salon, nail salon, drop-off/pick-up dry-cleaning business or self-serve laundry, tailor, or shoe repair shop.

**Phased Development:** A development on one lot, or two or more adjoining lots in common ownership or common control for which special permits or building permits are sought within a period of two years from the first date of application for any special or building permits for the development.

**Planned Unit Development:** A development under unified control designed and planned to be constructed in a single operation or by a series of scheduled construction phases according to a special permit and an approved site development plan to accommodate one or more land uses.

**Porch:** A covered area, unenclosed and open to the elements, projecting from and structurally connected to a building.

**Public Shade Tree: A tree planted within the furnishing zone of a public way as an element of a thoroughfare consistent with G.L c. 87, § 1.**

**Recreational Trailer or Vehicle:** A vehicular, portable unit designed for travel, camping, or recreational use, including but not limited to the following:

- a. **Travel Trailer:** A vehicular, portable dwelling unit built on a chassis, being of any length provided its gross weight does not exceed 4,500 pounds, or being of any weight provided its overall length does not exceed 28 feet.
- b. **Pick-Up Camper:** A portable dwelling unit designed to be mounted on a pick-up truck or chassis, whether or not so mounted.
- c. **Motorized Camper:** A portable dwelling designed and constructed as an integral part of a self-propelled vehicle.
- d. **Tent Trailer:** A folding structure, constructed of canvas, plastic or similar water repellent material, designed to be mounted on wheels to be used as a temporary dwelling.
- e. **Boat Trailer:** A vehicle without motive power, designed to be drawn by a motor vehicle and designed for the hauling or storage of a boat, aircraft, snowmobile or other recreational vehicle.

**Repair:** With respect to a building or structure, any construction which replaces materials and does not change the height, number of stories, size, use, or location of a structure.

**Research and Development:** An establishment used primarily for research, development, or testing of innovative information, concepts, methods, processes, materials, or products. This can include but not be limited to renewable or alternative energy research and development activities including the design, development, and testing of biological, chemical, electrical, magnetic, mechanical, and/or optical components in advance of product manufacturing. The accessory development, fabrication, and light manufacturing of prototypes, or specialized machinery and devices integral to research or testing may be associated with these uses.

### **Definitions Associated with Restaurants**

**Restaurant:** An establishment where the principal activity is the service or sale of food or drink for on-premises consumption.

**Restaurant, Drive-In Food Service:** A fast-order food service establishment that provides convenient vehicular access and may provide service to customers while in their vehicles, and any fast-order food establishment which provides a greater number of parking spaces than is required by this Bylaw.

**Restaurant, Fast-Order Food:** An establishment whose primary business is the sale of food for consumption on or off the premises which is (a) primarily intended for immediate consumption rather than for use as an ingredient or component of meals; (b) available upon a short waiting time; and (c) packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold.

**Right-of-Way:** The line determining the public limit or ownership on a street or highway.

**Setback:** The shortest horizontal distance from the front lot line to the nearest building wall or building part not specifically excluded in Section 5.

**Shared Vehicle:** A passenger vehicle, not to exceed 5,000 pounds gross vehicle weight rating, owned by a membership-based entity which makes the vehicles available for rent by the hour or day to its members. Shared vehicles are parked at locations remote from the owner entity. Shared vehicles shall not display advertising other than accessory signage which shall not exceed four square feet in total.

**Shed:** An accessory structure not greater than 80 square feet used for the storage of tools or equipment.

### **Definitions Associated with Signs**

**Balloon:** A brightly colored bag made of flexible material, inflated with air or other gas and sealed, often to make it rise in the air.

**Billboard:** A permanent sign structure defined by [G.L. c. 93 § 30](#) and [32](#) and intended for the display of off-premises advertising.

**Channel Letters:** Three dimensional, individually manufactured letters or figures with an open back which may contain a light source to provide light onto the sign background against which the channel letters are silhouetted.

**Commercial Message:** A message conveyed by any sign that is solely intended to interest, entice, or solicit any person to participate in commercial transactions with a business, including offers of goods, cash, discounts on products or services, or other items, including the offering of free goods or services made in exchange for or with the intent to induce the recipient's willingness to receive information relating to a possible commercial transaction.

**Direct Illumination:** Illumination on a sign characterized by the use of exposed lamps, such as incandescent bulbs or neon, that have no shielding and are visible to the eye.

**Electronic Message Center:** A sign or portion of a sign that is capable of changing by electronic or automatic means the characters, letters, numbers, illustrations, display, color, and/or light intensity.

**Flag:** A fabric sheet of square, rectangular, or triangular shape that is typically mounted on a pole.

**Halo Illumination:** A form of sign illumination in which neon tubing, LED, or similar lights are mounted within the letter to illuminate the mounting surface, causing a ring of light around the letter.

**LED (Light Emitting Diode):** A semiconductor diode that emits light when a voltage is applied to it.

**Logo:** A stylized group of letters, words, numbers, symbols, or graphics used to represent and distinguish a business, product, or organization.

**Neon:** An illumination source created when a glass tube filled with neon or other similar gas emits light when energized.

**Notice:** Temporary signs erected by a person, a town committee, student organization or non-profit organization for the purpose of advertising an individual yard sale, non-commercial public event, or lost pet.

**Pan Channel Letter:** A specific type of sign letter consisting of a metal pan enclosure fabricated in the shape of a letter. The metal pan enclosure is used to house the lighting and electrical components of the letter and can be mounted directly to a building wall. The sign face is usually made out of colored plastic and is attached to the metal pan to seal it off from pests and harsh weather.

**Pennant:** A tapering flag made of flexible materials and often triangular in shape. Frequently displayed with other pennants on a string.

**Plate line:** The uppermost horizontal line of a building wall upon which the roof rests.

**Raceway Cabinet:** An enclosed conduit for electrical wiring.

**Sign:** Any structure, device, figure, display, message placard or other contrivance, or any part thereof, situated outdoors or indoors, which is designed, constructed, intended or used to advertise, provide information in the nature of advertising, provide historical, cultural, archeological, ideological, political, religious, or social information, or direct or attract attention to an object, person, institution, business, product, service, message,

event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, or illumination.

**Sign Area:** The entire face of a sign including the advertising surface, message, or announcement, and any framing, trim, or molding, but not including the supporting structure.

**Sign Animated:** A sign, or any portion of a sign, made or equipped to move or give the appearance of moving, either by the movement of any light used in conjunction with a sign, such as blinking traveling, flashing or changing degree of intensity, or by mechanical means or movement of the air.

**Sign, Awning:** A permanent sign that is printed, painted, or affixed to an awning.

**Sign, A-Frame:** A portable sign and self-supporting sign constructed in such a manner as to form an "A" or a tent-like shape, hinged or not hinged at the top. May also be known as an Upright Sign or Sandwich Board Sign.

**Sign, Bandit:** Any sign that is placed on public property or on private property without the consent of the property owner or as authorized in Section 6.2.

**Sign, Bracket:** A permanent sign mounted either to the wall of building by means of a bracket or attached to the underside of a lintel, arch or other overhead structure above a porch or walkway and which is typically hung perpendicular to the wall of the building.

**Sign, Building Identification:** A permanent sign consisting of letters applied to a building wall, engraved into the building material, or consisting of a sculptural relief which contains the name of the building or describes its function, but which does not advertise any individual tenant of the building, or any products or services offered.

**Sign, Building Mounted:** A permanent sign attached to, connected to, or erected against the wall, parapet, or fascia of a building or structure. The exposed face of the sign is in a plane parallel to the vertical face of the building or structure.

**Sign, Cabinet:** A sign with its text and/or logo symbols and artwork on a translucent face panel that is mounted within a metal frame or cabinet that contains the lighting fixtures which illuminate the sign face from behind.

**Sign, Canopy:** A sign that is printed, painted, or affixed to a canopy, typically used to accent building entries.

**Sign Copy:** Any graphic, word, numeral, symbol, insignia, text, sample, model, device, or combination thereof that is primarily intended to advertise, identify, or notify.

**Sign, Directional:** A permanent sign intended to inform the viewer of the approximate route, direction, or location of a facility or use.

**Sign, Directory:** A permanent sign which provides information in a list, roster, or directory format.

**Sign, Externally Illuminated:** A sign, the face of which reflects light from an external light source intentionally directed upon it.

**Sign, Face:** The surface of a sign against or through which a message is displayed or illustrated.

**Sign, Feather Banner:** A portable sign typically constructed of cloth, plastic, or similar non-rigid material, and attached to a vertically mounted pole that is securely fastened to the ground.

**Sign, Freestanding:** A sign erected or mounted on its own self-supporting permanent structure or base detached from any supporting elements of a building.

**Sign, Freestanding Projecting:** A permanent sign featuring a single- or double-sided sign face, projecting outward at a perpendicular angle from a support structure.

**Sign, Fuel Pump Topper:** A temporary sign with a commercial message affixed to the top of an operable fuel dispensing pump.

**Sign, Individual Letter:** A cut-out or etched letter or logo which is individually mounted on a building wall, or freestanding sign.

**Sign, Internally Illuminated:** Any sign in which the source of light is entirely enclosed within the sign and is not directly visible.

**Sign, Landmark:** A sign of historic merit, uniqueness, or significance to the community.

**Sign, Marquee:** A permanent sign structure placed over the entrance to a building and typically used for a theater or other entertainment use.

**Sign, Monument:** A permanent sign with a solid base that is equal to or larger than the width of the sign face.

**Sign, Nonconforming:** Any sign legally installed or established prior to the effective date of the Zoning Bylaw or subsequent amendment to it, which does not conform to the provisions of Section 6.2.

**Sign, Off-premise:** Any sign that directs attention to a business, commodity, service, entertainment, product, structure, use or property different from a structure or use existing on the property where the sign is located, and/or any sign on which space is rented, donated or sold by the owner of said sign or property for the purpose of conveying a message.

**Sign, Painted Wall:** A sign painted directly onto the exterior wall of a building and having no sign structure.

**Sign, Permanent:** A sign constructed of durable materials and intended to exist for the duration of time that the use or occupant is located on the premises meeting the standards of Section 6.2.5.

**Sign, Porch:** A sign that is mounted on a porch of a building and legible from the sidewalk.

**Sign, Portable:** A sign that is capable of being moved and which is not designed to be permanently attached to a building or permanently secured to the ground. Excludes signs affixed to or painted on a vehicle or trailer.

**Sign, Post:** A permanent sign mounted on either a single post or two or more posts.

**Sign, Projecting:** A permanent sign that is attached to and extends perpendicular from a building from the wall.

**Sign, Raised Letter:** A sign containing copy, logo, and/or decorative embellishments in relief on the face.

**Sign, Service Island Canopy:** A permanent sign mounted on or under a service island canopy, including on a fascia.

**Sign, Single-Color LED:** A sign composed of single-color LEDs, including signs with fixed and changeable copy.

**Sign, Temporary:** A sign constructed of paper, cloth, or similar expendable material, which is intended for a definite and limited period of display and which is not permanently affixed to a structure, sign area, or window meeting the standards of Section 6.2.6.

**Sign, Upright:** A portable sign constructed to be taller than it is wide which may be mounted on a weighted base or similar support.

**Sign, Vehicle:** Any sign on or affixed to a truck, van, automobile, trailer, or other vehicle.

**Sign, Wall:** A permanent sign affixed or applied to, or erected against, the wall or fascia of a building or structure, with the exposed face of the sign parallel to the plane of the wall or fascia.

**Sign, Wall Banner:** A temporary sign constructed of cloth, bunting, plastic, paper, or similar material and securely attached to a wall or support structure. Flags are not considered temporary wall banners.

**Signs, Window:** A permanent or temporary sign posted, painted, placed, or affixed in or on a window, or otherwise exposed to public view through a window.

**Sign, Yard (Type I):** A small portable sign typically constructed of corrugated plastic and supported on an H-shaped wire frame.

**Sign, Yard (Type II):** A portable sign mounted on a single post installed securely in the ground with a small sign hanging from a cross-bar mounted parallel to the ground.

**Sign, Yard (Type III):** A large portable sign typically constructed of wood and mounted on two posts installed securely in the ground.

**Sign Structure:** The supports, uprights, bracing, and/or framework of a sign.

**Spinner:** A lightweight, durable, and colorful device designed to be affected by the movement of air so that it spins or rotates in a manner to capture attention.

### **Definitions Associated with Solar Energy Systems**

**Photovoltaic System (also referred to as Photovoltaic Installation):** A solar energy system that converts solar energy directly into electricity.

**Roof-Mounted Solar Photovoltaic System:** A solar photovoltaic system that is structurally mounted to the roof of a building or structure.

**Solar Energy System:** A device or structural design feature, a substantial purpose of which is to provide for the collection, storage, and distribution of solar energy for space heating or cooling, electricity generation, or water heating.

**Solar Ready Building:** A building able to carry the installation of a solar energy system on a designated section of the structure following its construction.

**Solar Ready Zone:** Fifty percent or more of a roof area that is either flat or oriented between 110 and 270 degrees of true north, exclusive of mandatory access or setbacks required by the Massachusetts Fire Code.

**Solar Thermal System:** A solar energy system that uses collectors to convert the sun's rays into useful forms of energy for water heating, space heating, or space cooling.

**Special Permit:** A use of a structure or lot or any action upon a premises which may be permitted under this Bylaw only upon application to and the approval of the Zoning Board of Appeals or Arlington Redevelopment Board, as applicable, and in accordance with provisions of Section 3 of this Bylaw.

**Special Permit Granting Authority:** The Zoning Board of Appeals, or in the case of a special permit which qualifies for Environmental Design Review under Section 3 of this Bylaw, the Arlington Redevelopment Board.

**Story:** The portion of a building which is between one floor level and the next higher floor level or the roof. If a mezzanine floor area exceeds one-third of the area of the floor immediately below, it shall be deemed to be a story. A basement shall be deemed a story when its ceiling is 4 feet 6 inches or more above the finished grade. A cellar shall not be deemed a story. An attic shall not be deemed a story if unfinished and not used for human occupancy.

**Story, Half:** A story which is under a gable, hipped, gambrel roof, or other sloped roof with a minimum slope of 2:12, where less than one half the floor area ~~measured from the underside of the roof framing to the finished floor below~~ has a clear height of 7 feet 0 inches or more. ~~The clear height is determined from the underside of the roof structural framing to the top of the finished floor below. The floor area is measured relative to the gross floor area of the story next below excluding porches and decks.~~

**Street:** A public or private way which is 27 feet or more in right-of-way width, accepted or devoted to public use by legal mapping or by any other lawful procedure. It shall be synonymous with the word road, avenue, highway, and parkway, and other similar designations.

**Structure:** A combination of materials for permanent or temporary occupancy or use, such as a building, bridge, trestle, wireless communications facility, tower, framework, retaining wall, tank, tunnel, tent, stadium, reviewing stand, platform, swimming pool, shelter, pier, bin, fence, sign, shed, or the like.

**Tract:** A unit or contiguous units of land under single ownership or control.

**Trailer:** Any vehicle which is immediately portable, and is arranged, intended, designed, or used for sleeping, eating, or business, or is a place in which persons may congregate, including a mobile home, house trailer or camper. A trailer, whether immediately portable or no longer immediately portable because its wheels have been removed or skirts have been attached, shall not be considered a building in this Bylaw.

### Definitions Associated with Use

**Use:** The purpose for which a structure or lot is arranged, designed, or intended to be used, occupied, or maintained.

**Use, Accessory:** A use incidental and subordinate to the principal use of a structure or lot, or a use, not the principal use, which is located on the same lot as the principal structure.

**Use, Nonconforming:** A use lawfully existing at the time of adoption of this Bylaw or any subsequent amendment thereto which does not conform to one or more provisions of this Bylaw. (See also, Nonconformance.)

**Use, Principal:** The main or primary purpose for which a structure or lot is designed, arranged or intended, or for which it may be used, occupied, or maintained under this Bylaw.

**Use, Substantially Different:** A use which because of its normal operation would cause readily observable differences in patronage, service, appearance, noise, employment, or similar characteristics from the use to which it is being compared.

**Variance:** A departure from the terms of this Bylaw as the Board of Appeals may authorize under this Bylaw and [G.L. c. 40A, § 10](#).

**Wireless Communications Facility:** An assemblage of equipment intended to receive and/or transmit radio waves for providing wireless communications consisting of, but not limited to, antennas and mounting brackets, antenna support structures, electrical equipment in cabinets or enclosed shelters or in other enclosed space, co-axial cables and back-up power equipment or generators.

### Definitions Associated with Yard

**Yard:** An open space unobstructed from the ground up, on the same lot with a principal building, extending along a lot line or front lot line and inward to the principal building. The size of a required yard shall be measured as the shortest distance between the line of the building wall (or building part not specifically excluded under this Bylaw) and a lot line. Structures that are below the finished lot grade shall not be deemed to occupy required yards.

**Yard, Front:** A yard extending for the full width of the lot between the front line of the nearest building wall and the front lot line.

**Yard, Rear:** A yard, unoccupied except by an accessory structure or accessory use as herein permitted, extending for the full width of the lot between the rear line of the nearest building wall and the rear lot line.

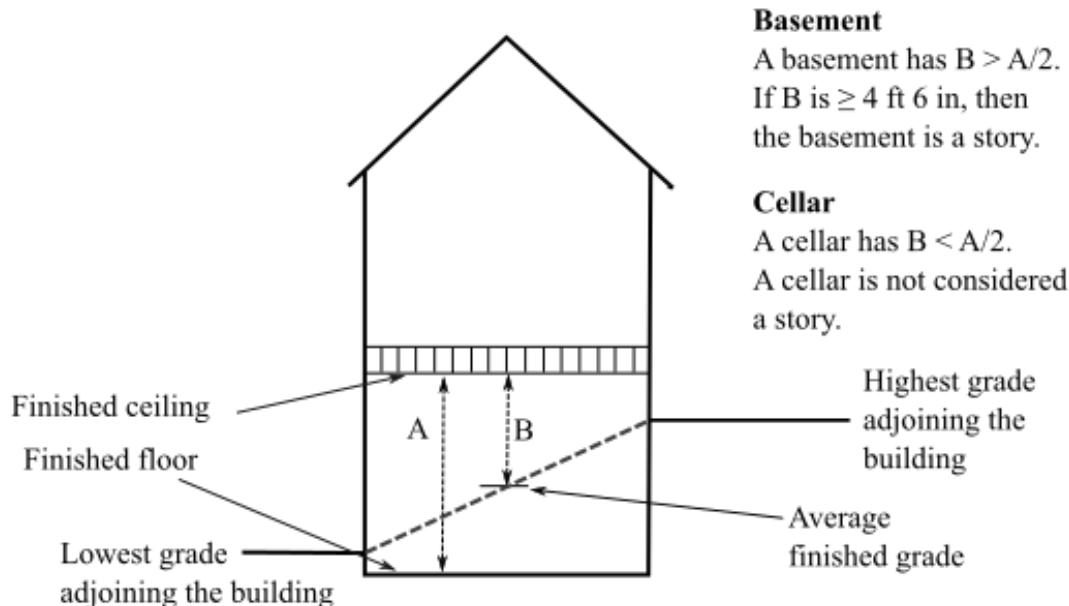
**Yard, Side:** A yard unoccupied, except by an accessory structure or use as herein permitted, between the line of the building wall and a side lot line extending from the front yard

to the rear yard. In the case of a lot having no street frontage or a lot of odd shape, any yard that is not a front yard or a rear yard shall be considered a side yard.

Zoning Board of Appeals: The Zoning Board of Appeals of the Town of Arlington, Massachusetts (“Board of Appeals” or “ZBA”).

### Illustration of Basement and Cellar

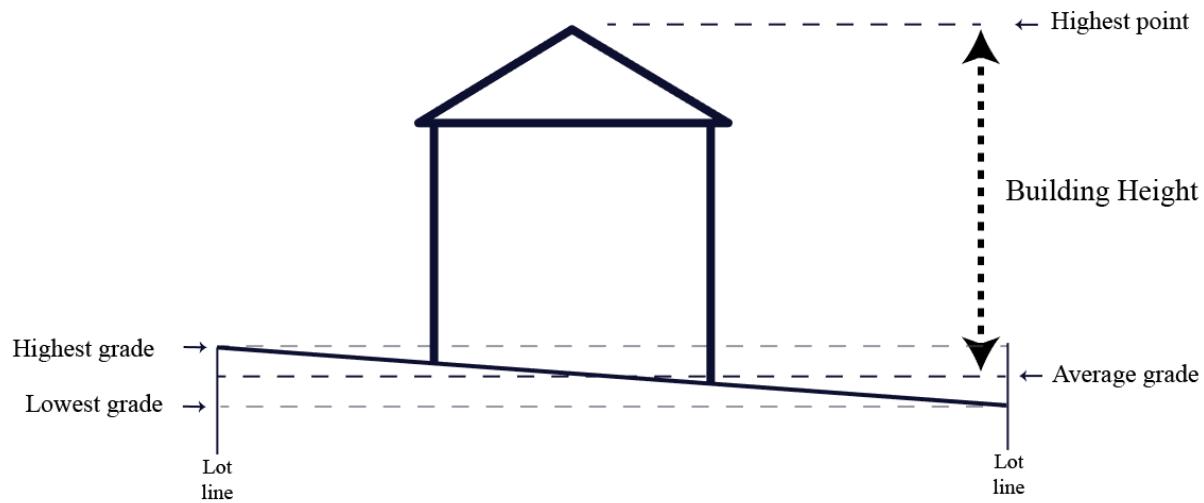
(See Section 2, Definitions: Basement, Cellar, and Story)



This diagram is included for illustrative purposes only. It is not part of the Arlington Zoning Bylaw.

## Illustration of Building Height

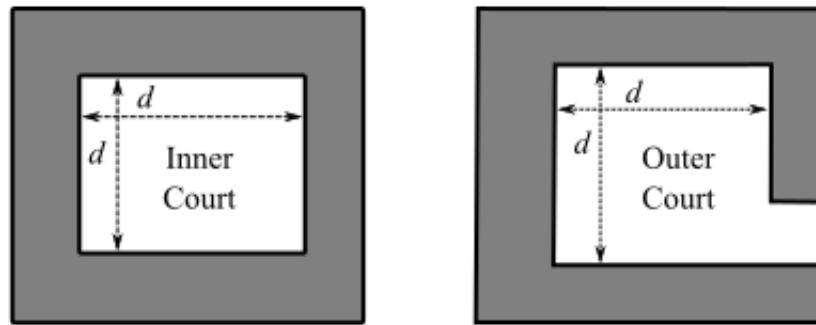
(See Section 2, Definition Associated with Building Height)



This diagram is included for illustrative purposes only. It is not part of the Arlington Zoning Bylaw.

## Illustrations of Court, Inner and Court, Outer

(See Section 2, Definitions Associated with Courts)



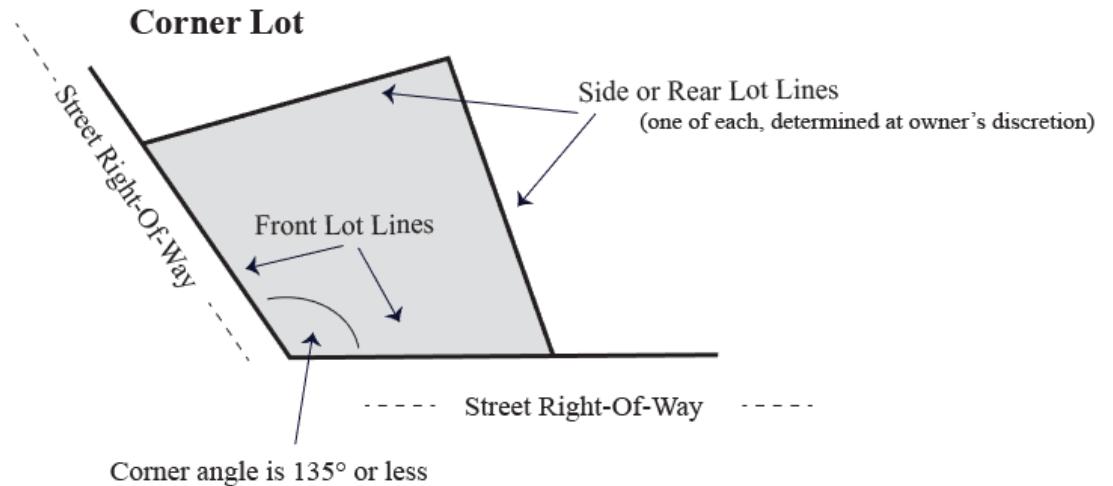
Inner courts have no minimum dimensional requirement for  $d$ .

If the outer court is enclosed by apartment wings, then  $d$  is the minimum dimension specified in Section 5.3.11.

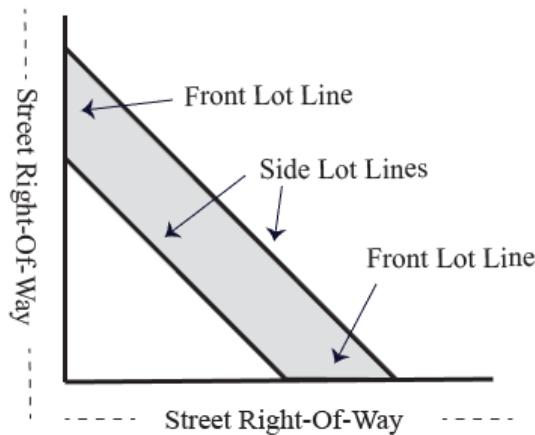
This diagram is included for illustrative purposes only. It is not part of the Arlington Zoning Bylaw.

## Illustrations of Lot, Corner; Lot, Through; and Lot, Interior

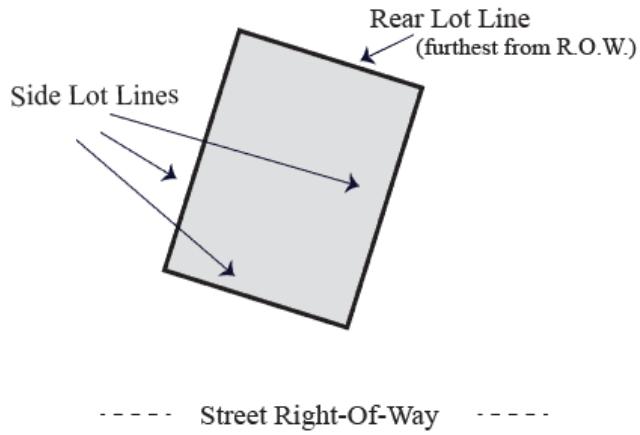
(See Section 2, Definitions Associated with Lot)



### Through Lot



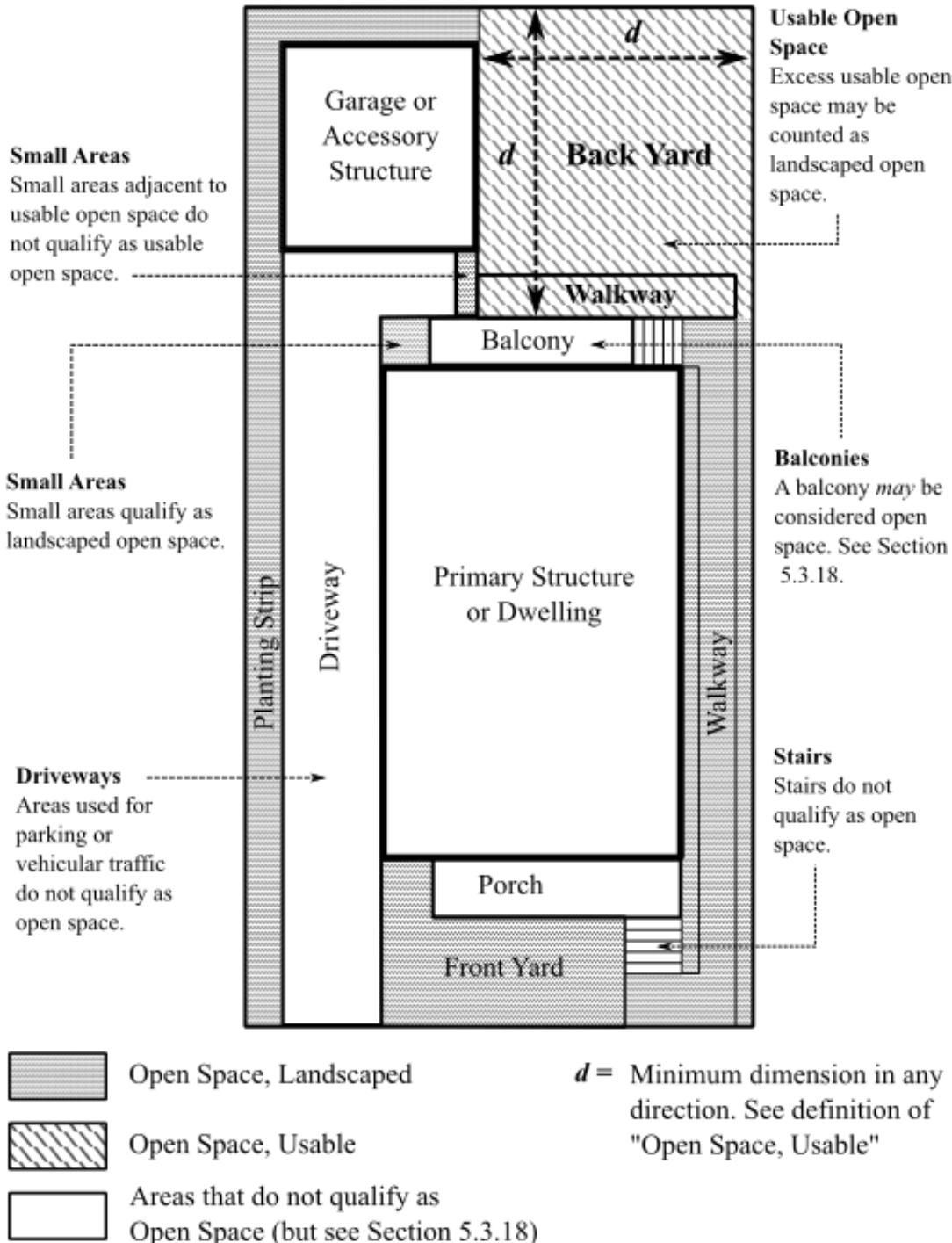
### Interior Lot



This diagram is included for illustrative purposes only. It is not part of the Arlington Zoning Bylaw.

## Illustration of Open Space, Usable and Landscaped

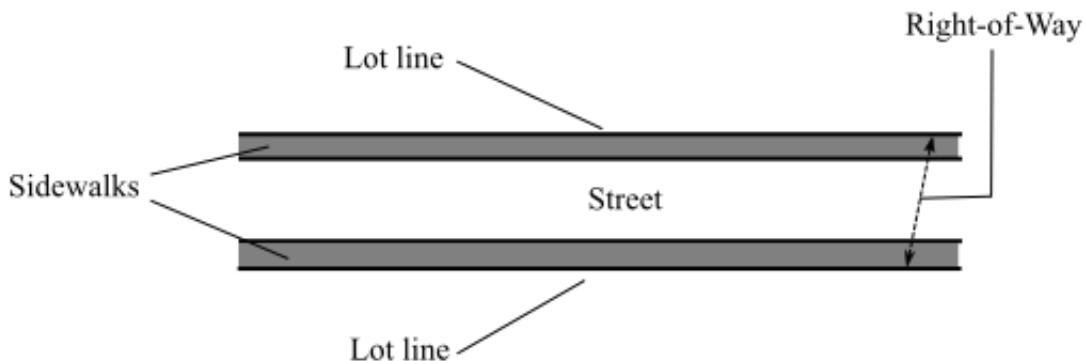
(See Section 2, Definitions Associated with Open Space)



This diagram is included for illustrative purposes only. It is not part of the Arlington Zoning Bylaw.

### Illustration of Right-of-Way

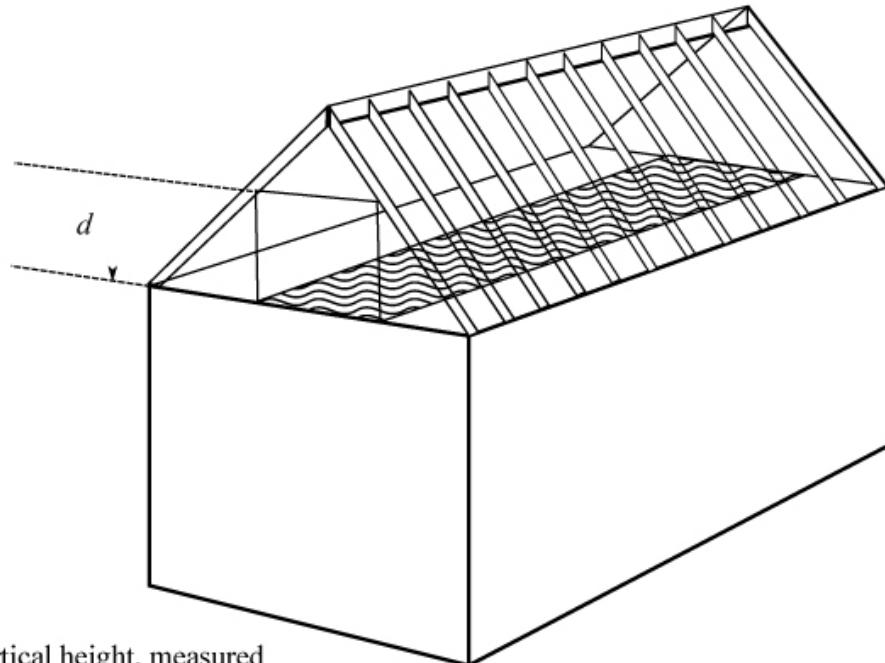
(See Section 2, Definitions: Street, Right-of-Way, and Lotline, Front)



This diagram is included for illustrative purposes only. It is not part of the Arlington Zoning Bylaw.

### Illustration of Story, Half

(See Section 2, Definition of Story, Half)



$d$  = Vertical height, measured from the finished floor to the underside of the roof framing.

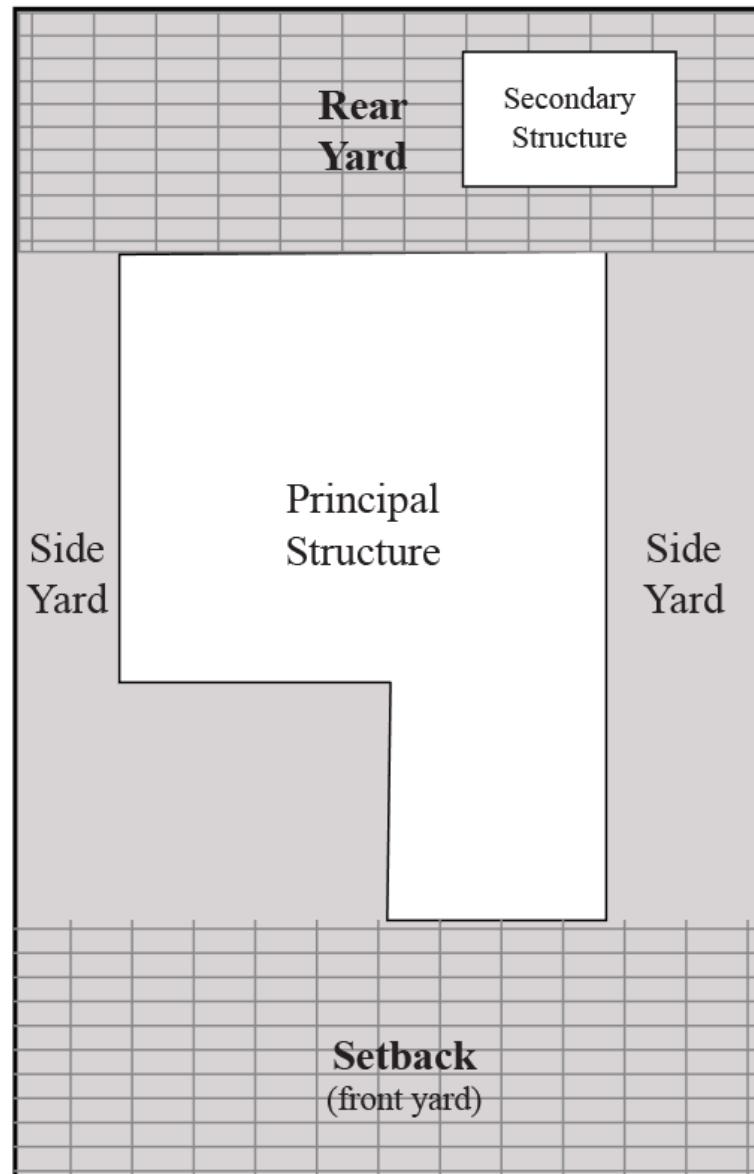


Floor area where  $d \geq 7$  ft. For a half-story, this must be less than one-half of the gross floor area of the story next below excluding porches and decks.

This diagram is included for illustrative purposes only. It is not part of the Arlington Zoning Bylaw.

## Illustration of Definitions Associated with Yards

(See Section 2, Definitions Associated with Yard)



----- Street Right-Of-Way -----

This diagram is included for illustrative purposes only. It is not part of the Arlington Zoning Bylaw.



## SECTION 3. ADMINISTRATION AND ENFORCEMENT

### 3.1 BUILDING INSPECTOR; ENFORCEMENT

- A. The Building Inspector appointed under the provisions of [G.L. c. 143](#) is hereby designated and authorized as the officer charged with the administration and enforcement of this Bylaw.
- B. No person shall erect, construct, reconstruct, convert, or alter a structure, or change the use or lot coverage, increase the intensity of use, or extend or displace the use of any structure or lot without applying for and receiving the required permit(s) from the Building Inspector. No such permit shall be issued until the Building Inspector finds that the applicant is in compliance with the applicable provisions of Title VI, Article 7 of the Town Bylaws.
- C. No premises and no building erected, altered, or in any way changed as to construction or use of any building or of any parcel of land under a permit or otherwise, shall be occupied or used without a certificate of occupancy issued by the Building Inspector. No certificate of occupancy shall be issued until the premises, structure, and its uses and accessory uses comply in all respects with this Bylaw. If applicable, a site plan certificate of completion shall be issued.
- D. All special permits, variances, and other relief granted by the Arlington Redevelopment Board and Board of Appeals are conditioned upon compliance with the conditions set forth in such permits and other forms of relief, the State Building Code, and, where applicable, the Massachusetts Architectural Access Board regulations.

#### 3.1.2. Enforcement

- A. Any person may file a written request to the Building Inspector for enforcement of this Bylaw with reference to an alleged violation, as provided in [G.L. c. 40A, § 7](#). Within fourteen (14) days of receipt of the request, the Building Inspector shall investigate the facts and inspect the alleged violation and, if the Building Inspector finds evidence of a violation, the Building Inspector shall give written notice to the owner and occupant of said premises and demand that such violation be abated within such time as the Building Inspector deems reasonable. The notice and demand may be given by mail, addressed to the owner at the address as it then appears on the records of the Board of Assessors, and to the occupant at the address of the premises.
- B. If after notice and demand the violation has not been abated within the time set by the Building Inspector, the Building Inspector shall institute appropriate action or proceedings in the name of the Town of Arlington to prevent, correct, restrain, or abate such violation.

C. If the Building Inspector determines that there is no violation, the Building Inspector shall give written notice of the decision to the complaining person within 14 days after the receipt of such request.

#### 3.1.3. **Appeal**

An appeal to the Board of Appeals may be taken by any person aggrieved due to inability to obtain a permit or enforcement action from the Building Inspector, as provided in [G.L. c. 40A, § 8](#), as amended.

#### 3.1.4. **Penalty**

A. If the notice of violation is not complied with according to the time specified in the notice, the Building Inspector may, in accordance with [G.L. c. 40, § 21D](#), institute a non-criminal complaint(s) with penalty. Each day in which a violation exists shall be deemed a separate offense. The penalty for violation of any provision of this Bylaw shall be \$25.00 for the first offense; \$50.00 for the second offense; \$100.00 for the third offense; and \$200.00 for the fourth and each subsequent offense.

B. The Building Inspector may, with the approval of the Select Board, institute the appropriate criminal action or proceeding at law or in equity to prevent any unlawful action, use or condition, and to restrain, correct or abate such violation. Penalties for violations may, upon conviction, be affixed in an amount not to exceed three-hundred dollars (\$300.00) for each offense. Each day, or portion of a day, in which a violation exists shall be deemed a separate offense.

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## 3.2 ZONING BOARD OF APPEALS

### 3.2.1. **Establishment**

There shall be a Zoning Board of Appeals (“Board of Appeals”) consisting of five members and two associate members appointed by the Select Board. All members of the Board of Appeals shall be Arlington residents, one member shall be an attorney-at-law, and at least one of the remaining members shall be a registered architect or a registered professional engineer. The appointment, service, and removal or replacement of members and associate members and other actions of the Board of Appeals shall be as provided for in [G.L. c. 40A](#).

### 3.2.2. **Powers**

The Board of Appeals shall have the following powers:

A. To hear and decide appeals in accordance with [G.L. c. 40A, § 8](#), as amended.

B. To hear and decide, in accordance with the provisions of [G.L. c. 40A, § 9](#), applications for special permits when designated as the Special Permit Granting Authority herein.

C. To hear and decide, in accordance with the provisions of [G.L. c. 40A, § 6](#), applications for special permits to change, alter, or extend lawfully pre-existing non-conforming uses and structures to the extent allowed by Section 8.1.

- D. To hear and decide petitions for variances in accordance with [G.L. c. 40A, § 10](#).
- E. To hear and decide applications for comprehensive permits for construction of low or moderate-income housing, as set forth in [G.L. c. 40B, §§ 20-23](#).

### 3.2.3. Rules and Regulations

The Board of Appeals shall adopt rules and regulations for the administration of its powers and shall file a copy of such regulations with the Town Clerk. The Board's regulations shall include rules for hiring outside consultants.

~~A. The Chair of the Board of Appeals, or in their absence the Acting Chair, may administer oaths, but must do so for hearings involving G.L. c. 40B, summon witnesses and call for the production of papers. All hearings shall be open to the public. The Board of Appeals and all permit and special permit granting authorities shall hold hearings and render decisions in accordance with the applicable time limitations as set forth in G.L. c. 40A §§ 9 and 15. The Board of Appeals shall cause to be made a detailed record of its proceedings which in the case of G.L. c. 40B hearings shall require that all testimony be electronically recorded, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and setting forth clearly the reasons for its decisions, and of its other official actions, copies of all of which shall be filed within 14 days in the office of the Town Clerk and the office of the Arlington Redevelopment Board and shall be a public record, and notice or decisions shall be mailed immediately to the petitioner and to the owners of all property deemed by the Board of Appeals to be affected thereby, including the abutters and the owners of land next adjoining the land of the abutters, notwithstanding that the abutting land or the next adjoining land is located in another city or town, as they appear on the most recent local tax list, and to every person present at the hearing who requests that notice be sent to them and states the address to which such notice is to be sent. Upon the granting of a limited or conditional zoning variance or special permit, the Board of Appeals shall issue to the land owner a notice, certified by the chair or clerk, containing the name and address of the land owner, identifying the land affected, and stating that a limited or conditional variance or special permit has been granted which is set forth in the decision of the Board on file in the office of the Town Clerk. No such variance or permit shall take effect until such notice is recorded in the Middlesex County Registry of Deeds.~~

~~The fee for recording such notice shall be paid by the owner and the notice shall be indexed in the grantor index under the name of the owner of record.~~

~~The concurring vote of all members of the Board shall be necessary to reverse any order or decision of any administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this Bylaw, or to effect any variance in the application of this Bylaw.~~

### 3.2.4. Fees

The Board of Appeals may adopt reasonable administrative fees and fees for employing outside consultants to assist the Board with its review of special permits, variances,

administrative appeals, and applications for comprehensive permits in accordance with its regulations, in accordance with [G.L. c. 44, § 53G](#) and [§ 53G-1/2](#).

### **3.2.5. Repetitive Petitions**

No appeal or petition for a variance from the terms of this Bylaw denied by the Board of Appeals, or special permit denied by either the Board of Appeals or Arlington Redevelopment Board shall be considered again on its merits within two years from after the date of denial action except under the following circumstances:

- A. At least all but one member of the Arlington Redevelopment Board votes to allow the refiling of the application, and
- B. The Board that denied the initial application then finds, by a unanimous vote of a board of three members or by a vote of four members of a board of five members or two-thirds vote of a board of more than five members, specific and material changes in the conditions upon which the previous unfavorable action was based.

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## **3.3 SPECIAL PERMITS**

### **3.3.1. Special Permit Granting Authority**

In this Bylaw, the Board of Appeals and Arlington Redevelopment Board have the power to grant special permits. The appropriate Special Permit Granting Authority is specifically designated where applicable.

### **3.3.2. Procedures**

- A. Application for a special permit shall be filed in accordance with the rules and regulations of the Special Permit Granting Authority and [G.L. c. 40A](#).
- B. Public Hearing. The Special Permit Granting Authority shall hold a public hearing within 65 days of receipt of a special permit application and shall issue and file a decision no later than 90 days from the date of the public hearing. Notification requirements for a public hearing shall be in accordance with [G.L. c. 40A, § 11](#).

### **3.3.3. Decision Criteria**

Unless otherwise specified herein, special permits shall be granted by the Special Permit Granting Authority only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the characteristics of the site and of the proposal in relation to that site. The determination shall include findings that all of the following criteria for granting a special permit are met:

- A. The use requested is listed as a special permit use in the use regulations for the applicable district or is so designated elsewhere in this Bylaw.
- B. The requested use is essential or desirable to the public convenience or welfare.

- C. The requested use will not create undue traffic congestion or unduly impair pedestrian safety.
- D. The requested use will not overload any public water, drainage or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the Town will be unduly subjected to hazards affecting health, safety or the general welfare.
- E. Any special regulations for the use as may be provided in this Bylaw are fulfilled.
- F. The requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health or welfare.
- G. The requested use will not, by its addition to a neighborhood, cause an excess of the use that could be detrimental to the character of said neighborhood.

#### **3.3.4. Special Permit Conditions**

Special permits may be granted with such reasonable conditions, neighborhood safeguards, or limitations on time or use, including performance guarantees, as the Special Permit Granting Authority may deem necessary to serve the purposes of this Bylaw. Such conditions may include but shall not be limited to the following:

- A. Dimensional standards more restrictive than those set forth in Section 5 of this Bylaw;
- B. Screening buffers or planting strips, fences, or walls;
- C. Modification of the exterior appearance of the structures;
- D. Limitation upon the size, number of occupants, method and time of operation, time duration of permit, or extent of facilities;
- E. Limitations on signage, noise, or hours of operation of construction equipment;
- F. Regulation of number and location of driveways, or other traffic features;
- G. Off-street parking or loading or other special features beyond the minimum required by this Bylaw;
- H. Deadline to commence construction;
- I. Requirements pertaining to integrated emergency or alarm systems, maintenance, landscaping, dust control, bond or other performance guarantee;
- J. Requirements for independent monitoring, at the expense of the applicant, and reporting to the Building Inspector, if necessary to ensure continuing compliance with the conditions of a special permit or of this Bylaw;
- K. Limitation on the term or duration of a special permit, with or without automatic renewals, to the extent allowed by law;

- L. Other limitations as may be reasonably related to reducing any adverse impact on, or increasing the compatibility of the proposed use, structure or activity with, the surrounding area.

### **3.3.5. Recording; Lapse**

- A. Special permits or any extension, modification or renewal thereof shall not take effect until a copy of the decision bearing the certification of the Town Clerk that 20 days have elapsed after the decision has been filed in the office of the Town Clerk and either that no appeal has been filed or the appeal has been filed within such time. Proof of recording with the Middlesex South Registry of Deeds or Registry District of the Land Court, as applicable, shall be presented to the Building Inspector.
- B. Special permits shall lapse within three years, which shall not include such time required to pursue or await the determination of an appeal under [G.L. c. 40A, § 17](#), from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause, or, in the case of a special permit for construction, if construction has not begun by such date except for good cause.

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## **3.4 ENVIRONMENTAL DESIGN REVIEW**

### **3.4.1. Purposes**

The purpose of Section 3.4 is to provide individual detailed review of certain uses and structures that have a substantial impact on the character of the town and on traffic, utilities, and property values, thereby affecting the public health, safety and general welfare. The environmental design review process is intended to promote the purposes in Section 1.

### **3.4.2. Applicability**

In any instance where a new structure, or a new outdoor use, or an exterior addition or a change in use (a) requires a building permit and special permit in accordance with use regulations for the applicable district or (b) alters the façade in a manner that affects the architectural integrity of the structure, and (c) is one of the uses listed in subparagraphs A through I below, the special permit shall be acted upon by the Arlington Redevelopment Board in accordance with the environmental design review procedures and standards of this Section 3.4.

- A. Construction or reconstruction on a site abutting any of the following: Massachusetts Avenue, Pleasant Street, Mystic and Medford Streets between Massachusetts Avenue and Chestnut Street, Broadway, or the Minuteman Bikeway.
- B. Six or more dwelling units on the premises, whether contained in one or more structures or on one or more contiguous lots, to be constructed within a two-year period.
- C. Auto service stations.
- D. Single-room occupancy building or bed and breakfast, with more than 5,000 square feet of gross floor area or with 10 or more parking spaces.

- E. Nonresidential uses and hotels/motels in a nonresidential district with more than 10,000 square feet of gross floor area or with 20 or more parking spaces.
- F. Nonresidential uses in a residential district with more than 5,000 square feet of gross floor area or with 10 or more parking spaces.
- G. Mixed-Use.
- H. Outdoor uses.
- I. Temporary, seasonal signage in accordance with an overall signage plan at a fenced athletic field with one or more permanent structures to seat more than 300 persons, which signage may be in effect between March 15 and December 15 of any calendar year.

The following uses shall also be acted upon by the Arlington Redevelopment Board in accordance with the environmental design review procedures and standards of this Section 3.4:

- (1) Any use permitted as a right or by special permit in the Planned Unit Development District and the Multi-Use District.
- (2) Parking in the Open Space District.
- (3) Medical Marijuana Treatment Center.
- (4) Marijuana Establishment.

#### 3.4.3. **Procedures**

- A. Application. Applicants shall submit an application for Environmental Design Review in accordance with the Arlington Redevelopment Board's ("Board") rules and regulations.
- B. The Board shall hold a public hearing in accordance with Section 3.3 of this Bylaw and G.L. c. 40A, §§ 9 and 11.
- C. The Board shall refer the application to the Department of Planning and Community Development ("Department"), which shall prepare and submit written reports with recommendations to the Board before or at the public hearing. The Board shall not take final action on the special permit application until it has received the Department's report or until 35 days have elapsed after submittal of the proposal to the Department. Failure of the Department to submit written reports or to give an oral report at the public hearing shall not invalidate action by the Board.
- D. A favorable decision by the Board shall require the votes of at least four members, with the exception of special permits in compliance with M.G.L. c.40A § 9 requiring a simple majority vote.
- E. The Board shall not deny a special permit under this Section 3.4 unless it finds that the proposed use does not comply with the Environmental Design Review Standards listed below to such a degree that such use would result in a substantial adverse impact upon the character of the neighborhood or the town, and upon traffic, utilities,

and public or private investments, thereby conflicting with the purposes of this Bylaw.

#### **3.4.4. Environmental Design Review Standards**

The following standards shall be used by the Board and the Department in reviewing site and building plans. The standards are intended to provide a frame of reference for the applicant in the development of site and building plans as well as a method of review for the reviewing authority. They shall not be regarded as inflexible requirements and they are not intended to discourage creativity, invention, and innovation.

The specification of one or more architectural styles is not included in these standards. The Board may adopt design guidelines to supplement these standards in order to administer this Section 3.4, and maintain those guidelines on file with the Department and the Town Clerk. The standards of review outlined in subsections A through K below shall also apply to all accessory buildings, structures, free-standing signs and other site features, however related to the major buildings or structures.

- A. **Preservation of Landscape.** The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.
- B. **Relation of Buildings to Environment.** Proposed development shall be related harmoniously to the terrain and to the use, scale, and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed buildings. The Arlington Redevelopment Board may require a modification in massing to reduce the effect of shadows on abutting property in an R0, R1 or R2 district or on public open space.
- C. **Open Space.** All open space (landscaped and usable) shall be so designed as to add to the visual amenities of the vicinity by maximizing its visibility for persons passing the site or overlooking it from nearby properties. The location and configuration of usable open space shall be so designed as to encourage social interaction, maximize its utility, and facilitate maintenance.
- D. **Circulation.** With respect to vehicular, pedestrian and bicycle circulation, including entrances, ramps, walkways, drives, and parking, special attention shall be given to location and number of access points to the public streets (especially in relation to existing traffic controls and mass transit facilities), width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, access to community facilities, and arrangement of vehicle parking and bicycle parking areas, including bicycle parking spaces required by Section 6.1.12 that are safe and convenient and, insofar as practicable, do not detract from the use and enjoyment of proposed buildings and structures and the neighboring properties.
- E. **Surface Water Drainage.** Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Available Best Management Practices for the site should be employed, and include site planning to minimize impervious surface and reduce clearing and re-grading. Best Management Practices may include erosion control and stormwater treatment by means of swales, filters, plantings, roof gardens, native

vegetation, and leaching catch basins. Stormwater should be treated at least minimally on the development site; that which cannot be handled on site shall be removed from all roofs, canopies, paved and pooling areas and carried away in an underground drainage system. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic, and will not create puddles in the paved areas.

In accordance with Section 3.3.4, the Board may require from any applicant, after consultation with the Director of Public Works, security satisfactory to the Board to insure the maintenance of all stormwater facilities such as catch basins, leaching catch basins, detention basins, swales, etc. within the site. The Board may use funds provided by such security to conduct maintenance that the applicant fails to do.

The Board may adjust in its sole discretion the amount and type of financial security such that it is satisfied that the amount is sufficient to provide for the future maintenance needs.

- F. **Utility Service.** Electric, telephone, cable TV and other such lines and equipment shall be underground. The proposed method of sanitary sewage disposal and solid waste disposal from all buildings shall be indicated.
- G. **Advertising Features,** subject to the provisions of Section 6.2 below. The size, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall not detract from the use and enjoyment of proposed buildings and structures and the surrounding properties.
- H. **Special Features.** Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.
- I. **Safety.** With respect to personal safety, all open and enclosed spaces shall be designed to facilitate building evacuation and maximize accessibility by fire, police, and other emergency personnel and equipment. Insofar as practicable, all exterior spaces and interior public and semi-public spaces shall be so designed as to minimize the fear and probability of personal harm or injury by increasing the potential surveillance by neighboring residents and passersby of any accident or attempted criminal act.
- J. **Heritage.** With respect to Arlington's heritage, removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.
- K. **Microclimate.** With respect to the localized climatic characteristics of a given area, any development which proposes new structures, new hard-surface ground coverage, or the installation of machinery which emits heat, vapor, or fumes, shall endeavor to minimize, insofar as practicable, any adverse impact on light, air, and water resources, or on noise and temperature levels of the immediate environment.

L. Sustainable Building and Site Design. Projects are encouraged to incorporate best practices related to sustainable sites, water efficiency, energy and atmosphere, materials and resources, and indoor environmental quality. Applicants must submit a current Green Building Council Leadership in Energy and Environmental Design (LEED®) checklist, appropriate to the type of development, annotated with narrative description that indicates how the LEED® performance objectives will be incorporated into the project.

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### **3.5 RELIGIOUS AND EDUCATIONAL USE REVIEW**

The Arlington Redevelopment Board shall adopt rules and regulations to implement the requirements of [G.L. c. 40A, §3.](#)

## SECTION 4. ESTABLISHMENT OF DISTRICTS

### 4.1 DISTRICTS

For purposes of this Bylaw, the Town of Arlington is divided into the following districts:

#### 4.1.1. Use Districts

##### A. Residential

- (1) Residence 0 (R0)
- (2) Residence 1 (R1)
- (3) Residence 2 (R2)
- (4) Residence 3 (R3)
- (5) Residence 4 (R4)
- (6) Residence 5 (R5)
- (7) Residence 6 (R6)
- (8) Residence 7 (R7)

##### B. Business

- (1) Business 1 (B1)
- (2) Business 2 (B2)
- (3) Business 2A (B2A)
- (4) Business 3 (B3)
- (5) Business 4 (B4)
- (6) Business 5 (B5)

##### C. Other Districts

- (1) Industrial (I)
- (2) Multi-Use (MU)
- (3) Planned Unit Development (PUD)
- (4) Transportation (T)
- (5) Open Space (OS)

#### 4.1.2. Overlay Districts

- (1) Floodplain District
- (2) Inland Wetland District

## 4.2 ZONING MAP

Zoning districts are shown on a map entitled "Zoning Map of the Town of Arlington, MA" and dated November 16, 2020 (the Zoning Map) on file in the Office of the Town Clerk and the Department of Planning and Community Development. The district boundaries shown on the Zoning Map, including an overlay map entitled "Wetland and Floodplain Overlay" are part of this bylaw. The Zoning Map may include geographical features, streets, notations, and such other information to keep the map current and to facilitate orientation.

### 4.2.1. Interpretation of District Boundaries

The location of district boundaries shown on the Zoning Map shall be determined as follows:

- A. Where a boundary is indicated as a street, alley, railroad, transit right-of-way, watercourse or other body of water, it shall be construed to be the centerline or middle thereof, or where such boundary approximates a Town boundary, then to the limits of the Town boundary.
- B. Where a boundary is indicated as following approximately or parallel to a street, railroad, transit right-of-way, watercourse, or other body of water, it shall be construed to be parallel thereto and at such distance therefrom as shown on the Zoning Map. If no dimension is given, such distance shall be determined using the scale shown on the Zoning Map.
- C. Where a dimensioned boundary or the actual property boundary coincides within 10 feet or less with a lot line, the boundary shall be construed to be the lot line.
- D. Where a boundary is indicated as intersecting the centerline of a street, railroad, watercourse or other water body, and unless it is otherwise indicated, it shall be construed to intersect at right angles to said centerline or, in the case of a curved centerline, to the tangent to the curve at the point of intersection.
- E. The abbreviation "PL" means property line as shown on the Town Assessor's Map as in effect at the effective date of this Bylaw. The abbreviation "PL," when used in conjunction with a subsequent amendment to this Bylaw, shall mean a property line as shown on the Town Assessor's Map as in effect at the effective date of such amendment.
- F. The abbreviation "CL" means "Centerline" and "CI" means "Center of Intersection."
- G. Whenever any uncertainty exists as to the exact location of a boundary line, the interpretation made by the Inspector of Buildings shall control pending appeal.

## SECTION 5. DISTRICT REGULATIONS

### 5.1 GENERAL PROVISIONS

No building or structure shall be erected and no building or structure, or land or water area shall be used for any purpose or in any manner except in accordance with this Bylaw.

### 5.2 USE REGULATIONS APPLICABLE IN ALL OR MULTIPLE DISTRICTS

#### 5.2.1. Permitted in All Districts

The following uses are permitted in all districts:

- A. Federal government use.
- B. Property of the Commonwealth to the extent exempt from local zoning under state law.
- C. Uses to the extent protected or exempt pursuant to [G.L. c. 40A, § 3](#) or other state law.

#### 5.2.2. Prohibited Uses

- A. Any use not listed in the Tables of Uses for various districts in Section 5 or otherwise allowable under the provisions of this Bylaw is prohibited.
- B. All uses that pose a present or potential hazard to human health, safety, welfare, or the environment through emission of smoke, particulate matter, noise or vibration, or through fire or explosive hazard, or glare, are expressly prohibited in all districts.
- C. Any use not designated with a “Y” (Yes, use allowed) or “SP” (Special Permit required) in the Tables of Uses for various districts is prohibited in that district, unless otherwise authorized by this bylaw.

#### 5.2.3. Accessory Uses

An accessory use shall not alter the character of the premises on which it is located or have an adverse impact on the surrounding area.

#### 5.2.4. Multiple Principal Uses

A lot or structure located in the R6, R7, B1, B2, B2A, B3, B4, B5, PUD, I, MU, and T districts may contain more than one principal use as listed in Section 5.4.3 Use Regulations for Residential Districts, Section [05.5.3](#) Use Regulations for Business Districts, or Section 5.6.3 Use Regulations for MU, PUD, I, T, and OS Districts. For the purposes of interpretation of this Bylaw, the use containing the largest floor area shall be deemed the principal use and all other uses shall be classified as accessory uses. In the case of an existing commercial use, the addition or expansion of residential use within the building footprint shall not require adherence to setback regulations for residential uses even if the residential use becomes the principal use of the property.

### **5.3 DIMENSIONAL REGULATIONS APPLICABLE IN ALL OR MULTIPLE DISTRICTS**

#### **5.3.1. Lot Area Per Dwelling Unit**

Minimum lot area per dwelling unit shall control the maximum number of dwelling units, of all types, that can be constructed on contiguous land under one ownership in one zoning district. In the business (B) districts, where a lot may contain both residential and nonresidential principal structures, the maximum number of dwelling units is computed by dividing the total land area by the minimum lot area per dwelling unit. Land in lower density districts used for buildings in higher density districts shall not be included in the calculation of minimum lot area per dwelling unit for dwellings in the higher density district.

#### **5.3.2. Reduction of Lot Areas and Separation of Lots**

- A. The lot or yard areas required for any new building or use may not include any part of a lot that is required by any other building or use to comply with any provisions of this Bylaw, nor may these areas include any property of which the ownership has been transferred after the effective date of this Bylaw if the property was a part of the area required for compliance with the dimensional regulations applicable to the lot from which such transfer was made.
- B. Lots separated or transferred in ownership must upon transfer either comply with the provisions of this Bylaw or be deemed noncompliant.

#### **5.3.3. Spacing of Residential and Other Buildings on One Lot**

- A. Where two or more main buildings to be used as dwellings are proposed for construction on property in one ownership or where one or more of the buildings are proposed on land where there are one or more existing residential buildings, the required front, side, and rear yards shall be provided between each building and assumed lot lines shown upon the building permit application. However, the Board of Appeals or, for projects requiring Environmental Design Review, the Arlington Redevelopment Board, may grant a special permit to modify the yard dimensions between buildings designed and intended to remain under common ownership and management where it is demonstrated that there will result light and air of a standard no lower than would result from compliance with either Board's minimum requirements.
- B. When a permitted main building to be used as a dwelling is to be located on the same lot with and to the rear of a permitted nonresidential building (including a mixed-use building with commercial uses on the ground floor and residential uses above), each building shall be independently provided with all required front, side, and rear yards, and required lot area; and the distance between such buildings shall not be less than twice the required rear yard depth.
- C. When a permitted main building to be used as a dwelling is to be located on the same lot with and beside a permitted nonresidential building, required front, side, and rear yards shall be provided between each building and assumed lot lines shown upon the building permit application.

### 5.3.4. Spacing of Nonresidential Buildings on the Same Lot

- A. Where two or more main buildings for nonresidential uses are proposed for construction on property in one ownership, the minimum required front, side, and rear yards shall be met only at lot lines abutting other property.
- B. For buildings in educational or religious use, the maximum floor area ratio requirements shall be less restrictive than as specified for the district in the following respects:
  - (1) Where several lots in one ownership and in the same use district are separated from each other only by an adjacent street or intersecting adjacent streets, the area of all lots may be aggregated in calculating floor area ratio.
  - (2) The maximum floor area ratio shall be increased by one percent for each 2,000 square feet of lot area exceeding the lot size minimum for the district under consideration, up to 50%.

The Board of Appeals or Arlington Redevelopment Board, as applicable, may approve further modifications in the district's dimensional requirements to the extent necessary to allow reasonable development of such a use in general harmony with other uses permitted and as regulated in the vicinity.

### 5.3.5. Land Area Included in Calculation of Floor Area Ratio

Land area to be included in calculating the maximum floor area shall include all contiguous lots under one ownership located in zoning districts with the same or greater maximum floor area ratio. Lots in a district with a lower maximum floor area ratio than an abutting district shall not be included in the calculation of a maximum floor area for any lot in the district with the higher maximum floor area ratio.

### 5.3.6. Exceptions to Maximum Floor Area Ratio Regulations (Bonus Provisions)

- A. The Board of Appeals or the Arlington Redevelopment Board, as applicable, may grant a special permit subject to the standards in Section 3.3 or 3.4, as appropriate, to allow a maximum gross floor area higher than is permitted in the district, subject to the procedures, limitations, and conditions specified below, for a lot (or part of a lot) which meets the following basic requirements:
  - (1) The lot (or part of a lot) is in a district with a floor area ratio of 1.2 or greater.
  - (2) The lot (or part of a lot) is not less than 20,000 square feet when the principal use is residential. When the principal use is non-residential, no minimum lot size is required provided all other provisions of this Section 5.3.6 are satisfied.
  - (3) Nonresidential properties listed as contributing structures in National Register Historic Districts shall be allowed an increase in floor area ratio up to a maximum of 2.6 by special permit.
- B. To aid the Special Permit Granting Authority in making the required findings, the applicant shall submit the materials required by 3.4 in addition to the usual drawings at the time of application.

C. The additional gross floor area approved in accordance with this Section 5.3.6 shall not exceed the following percentages of the gross floor area permitted in the applicable district except for buildings in Subsection A(3) above. Residential uses in the B5 district shall not exceed a floor area ratio of 1.5.

	R7, B5 Districts	R6, B2A, B4 Districts
Maximum Allowable:	33%	25%
Each Condition:		
Large lot	25%	20%
Low or moderate income	25%	20%
Extra open space	15%	10%
Public access	15%	10%
Preservation of landmarks	15%	10%
Large dwelling units	10%	5%

D. The Special Permit Granting Authority may approve additional gross floor area where any of the following conditions apply, subject to the limitations in Subsection C and in accordance with the goals of the Arlington Master Plan or other development plans and policies of the Town. The additional gross floor area shall be calculated separately for each condition based upon the gross floor area permitted in the applicable district.

- (1) For a lot that exceeds 20,000 square feet in area, additional gross floor area may be allowed to be calculated by increasing the floor area ratio for the district by one percent for each 1,500 square feet of lot area in excess of 20,000 square feet.
- (2) Where dwelling units are age-restricted or affordable units, the gross floor area for each affordable unit may be allowed in excess of the gross floor area for the district.
- (3) Where landscaped open space or usable open space is provided in excess of the minimum required in the district, additional gross floor area may be allowed at the rate of two square feet of gross floor area for each one square foot of either kind of open space in excess of the minimum requirements. The minimum requirements shall have been calculated based upon the aggregate of gross floor area allowable as a result of calculations from all applicable subparagraphs.
- (4) For a dwelling with an average gross floor area per dwelling unit more than 1,100 square feet, excess gross floor area may be allowed above the maximum for the district. Any gross floor area to be used for offices or other nonresidential principal use or for accessory retail, office, or consumer service use in an apartment building over 20,000 square feet (as described under Accessory Uses in Use Tables 5.4.3, 05.5.3, and 5.6.3) shall not be included in calculating the average gross floor area per dwelling unit.

- (5) When usable land is deeded or an easement granted for public access and use, additional gross floor area may be allowed at the ratio of 10 square feet of gross floor area to one square foot of such land. Land so deeded or controlled by easement shall not be counted toward minimum lot size, lot area per dwelling unit, or open space requirements, nor shall it be included with land in calculating total permissible gross floor area from the resulting floor area ratio.

(6) When architecturally or historically significant buildings, as listed in the “Inventory of Historically or Architecturally Significant Properties in the Town of Arlington”, are preserved, additional gross floor area may be allowed at the rate of eight square feet of gross floor area to each one square foot of gross floor area of the preserved building. As applied in this section, preservation shall mean restoration of the building and maintaining it on the site, or relocation to an available site.

### 5.3.7. Screening and Buffers: Industrial and Business Districts and Parking Lots

A. Screening and space buffers shall be required in any Industrial (I) or Business (B) district that abuts certain buildable residential lots. The minimum width of the buffer shall be as follows:

I or B District	Abutting R District	Minimum Buffer
I, B5	R0 through R5	25 ft.
B3, B2A, B4	R0 through R5	15 ft.
I	R6 through R7	10 ft.
B1, B2	R0 through R5	10 ft.

The strip shall contain a screen of plantings not less than three feet wide and six feet high at the time of occupancy of such lot. Individual shrubs or trees shall be planted not more than 20 feet on center and shall be maintained by the owner or occupants so as to maintain a dense screen year-round. At least 50 percent of the plantings shall consist of evergreens and they shall be evenly spaced. A solid wall or solid wooden fence, five to six feet high, complemented by suitable plantings, may be substituted for one-half the required width of such landscaped buffer strip; however, provisions of this section shall not supersede the minimum setbacks for parking lots per Section 6.1 nor the minimum yard requirements of the district. No screen shall be closer than 10 feet to a public or private way. Where deemed appropriate by the property owner and immediate abutters, and as approved by the Building Inspector, another wall or fence height or fence type, including but not limited to coated chain link or “wrought iron” types may be substituted for the required wall or fence.

B. For any area used for the parking of more than five vehicles, the screening provisions of Section 6.1, Off-Street Parking and Loading, shall apply.

C. Screening and space buffers shall not be required where abutting railroad track or railroad right-of-way if railroad is to be utilized for loading or unloading.

D. In Industrial Districts, screening along the Minuteman Bikeway shall be limited to a vegetative screen, guardrail, and/or low fence under 4 feet in height only. Such screening shall either have gaps or vary in height to provide lines of sight from the Minuteman Bikeway to the adjoining property to promote safety for pedestrians and bicyclists. Pedestrian amenities such as seating, bins for recycling and refuse collection, and appropriate supplementary lighting shall be integrated within the landscaped area of the buffer.

### 5.3.8. Corner Lots and Through Lots

- A. A corner lot shall have minimum street yards with depths which shall be the same as the required front yard depths for the adjoining lots.
- B. At each end of a through lot, there shall be a setback depth required which is equal to the front yard depth required for the district in which each street frontage is located.

### 5.3.9. Projections into Minimum Yards

- A. Projecting eaves, chimneys, bay windows, balconies, open fire escapes, porches, and enclosed entrances not more than 25 square feet in floor area or more than one story high which do not project more than three and one-half feet beyond the line of the foundation wall may extend beyond the minimum yard regulations otherwise provided for the district in which the structure is built. Porches and Enclosed enclosed entrances larger than that allowed above may extend into the minimum yard regulations otherwise provided for the district by special permit.
- B. Unenclosed steps, decks, and the like, which do not project more than 10 feet in the front yard, or more than five feet in the side yard beyond the line of the foundation wall may extend beyond the minimum yard regulations otherwise provided for the district in which the structure is built. Unenclosed steps, decks, and the like which do not project more than 10 feet into the required rear yard and are not closer to the lot line than half the size of the required yard, may extend beyond the minimum yard regulations otherwise provided for the district in which the structure is built
- C. Second story additions within the required front yard setback may extend no more than one foot beyond the existing building wall.
- E.D. Porches, decks, steps, and landings in the required setback are not considered to be within the foundation wall and may not be enclosed, extended, or built upon except by special permit.

### 5.3.10. Average Setback Exception to Minimum Front Yard; All R Districts

Where the required lot frontage of developed residential lots along a block amounts to more than 50% of the block frontage, and where said development has an average setback less than that required by this bylaw, then any vacant lot setback for a residential use may be reduced to said average of the existing development.

### 5.3.11. Dimensional Requirements for Courts

Inner courts shall be permitted in any building. Where an outer court is enclosed by apartment wings, a distance equal to twice the required side yard in the district shall be provided between the wings, but not less than 25 feet.

### 5.3.12. Traffic Visibility

- A. Across Street Corners. Between the property lines of intersecting streets and a line joining points on the property lines 20 feet distant from their point of intersection or in the case of a rounded corner, the point of intersection of their tangents, no building or structure in any R district may be erected and no vegetation other than shade trees may be maintained between a height of three feet and seven feet above the plane through their curb grades.

B. Visibility for Driveways. A fence, hedge, wall, sign or other structure or vegetation may be maintained on any lot provided that in the front yard area, no such structure or vegetation shall be over two and one-half feet in height above the adjacent ground within five feet of the front lot line unless it can be shown that the vegetation or structure will not restrict visibility in such a way as to hinder the safe entry of a vehicle from any driveway to the street.

#### 5.3.13. Accessory Buildings and Other Structures

A. Any accessory structure or any part of a main structure or building which is located entirely beneath the surface of the ground at the natural grade level may extend into a required front, side, or rear yard except that in any situation where landscaped open space is required, no underground structure or building shall be located beneath more than 50% of the required landscaped open space, nor nearer to any lot line for more than 75% of the length of the lot line.

B. An accessory building attached to the principal building shall be considered as an integral part thereof and shall be subject to front, side, and rear yard requirements applicable to the principal building per Section 5.4.2.

- (1) In Residence districts, a minor accessory building shall be exempt from side and rear yard requirements if said building dimensions result in a gross floor area of not more than 80 square feet and a building height of not more than 7 feet.
- (2) In Business, Multi-Use, and Industrial districts, accessory buildings shall be located on the lot so as not to violate the minimum yard, height, and open space requirements in the district.
- (3) In the Open Space district, accessory buildings shall be located on the property so as to maintain the harmonious relationship to the neighborhood, and not detract from the primary goal of the open space use.
- (4) An accessory private swimming pool shall be completely enclosed by a fence the top of which shall be at least 5 feet in height above the pool, having a self-closing gate with a latch. Above-ground pools may be unfenced if they are less than 24 inches in depth or with walls 4 feet or greater in height and removable. The unnumbered side of a corner lot shall be considered as a side yard for the purposes of establishing minimum setback requirements for accessory private swimming pools in all Residence districts. See Section 5.4.2.(A) District Yard and Open Space Requirements.

#### 5.3.14. Townhouse Structures

A. A townhouse structure shall not exceed 150 feet or 6 townhouses in length for a single-story structure nor 120 feet for that part of the structure more than one-story in height.

B. One townhouse structure shall be separated from the end of another townhouse structure by a distance not less than two times the minimum side yard of the district in which the site is located.

C. When two townhouse structures are placed face to face or back to back and are parallel or within 45 degrees of parallel, they shall be separated by a distance not less than the sum of the minimum front and rear yards specified for the district in which they are located.

#### 5.3.15. Buildings of Uneven Height or Alignment

A. Where a building is not of the same height throughout its length parallel (or within 45 degrees of parallel) to any lot line, but where it is in one alignment along said length, required yards and setbacks shall be either  $(H^1 + L^1)/6$  or  $(H^2 + L^2)/6$  whichever is greater, where:

$H^1$  = the height of the taller portion of the building;

$H^2$  = the height of the lower portion of the building;

$L^1$  = the length of the taller portion of the building; and

$L^2$  = the entire length of the building.

Where the formula  $10 + L/10$  applies, L shall be defined as  $L^2$  above.

B. Where a building is of the same height throughout its length parallel (or within 45 degrees of parallel) to any lot line, but where it is not in one alignment along said length, required yards and setbacks shall be  $(H + L^1)/6$  for the portion of the building nearer the lot line; and  $(H + L^2)/6$  for the portion of the building further from the lot line, where:

$H$  = the height of the building;

$L^1$  = the length of the portion of the building nearer the lot line; and

$L^2$  = the entire length of the building.

Where the formula  $10 + (L/10)$  applies, the required yards and setbacks shall be  $10 + (L^1/10)$  for the portion of the building nearer the lot line; and  $10 + (L^2/10)$  for the portion of the building further from the lot line, with  $L^1$  and  $L^2$  defined as above.

C. Where a building is not of the same height throughout its length parallel (or within 45 degrees of parallel) to any lot line, and where it is not in one alignment along said length, required yards and setbacks shall be calculated as follows:

(1) Where the taller part of the building is nearer to the lot line required yards and setbacks shall be  $(H^1 + L^1)/6$  for the portion of the building nearer to the lot line; and  $(H^2 + L^2)/6$  for the portion of the building further from the lot line, where:

$H^1$  = the height of the taller part of the building;

$H^2$  = the height of the lower part of the building;

$L^1$  = the length of the taller part of the building; and

$L^2$  = the entire length of the building.

(2) Where the formula  $10 + (L/10)$  applies, required yards and setbacks shall be  $10 + (L^1/10)$  for the portion of the building nearer the lot line; and  $10 + (L^2/10)$  for the portion of the building further from the lot line, with  $L^1$  and  $L^2$  defined as above.

(3) Where the taller part of the building is further from the lot line, required yards and setbacks shall be  $(H^1 + L^2)/6$  for the portion of the building further from the lot line; and  $(H^2 + L^1)/6$  for the portion of the building nearer the lot line, where:

$H^1$  = the height of the taller part of the building;

$H^2$  = the height the lower part of the building;

$L^1$  = the length of the lower part of the building; and

$L^2$  = the length of the entire building.

Where the formula  $10 + (L/10)$  applies, the required yards and setbacks shall be  $10 + (L^1/10)$  for the portion of the building nearer the lot line; and  $10 + (L^2/10)$  for the portion of the building further from the lot line, with  $L^1$  and  $L^2$  defined as above.

### 5.3.16. Yards or Setbacks for Lots Adjoining a Street or Public Open Space

In cases subject to Section 3.4, Environmental Design Review, the Arlington Redevelopment Board in evaluating the proposal may grant a special permit to adjust the required setbacks set forth elsewhere in this Bylaw to account for specific conditions unique to the proposal.

### 5.3.17. Upper-Story Building Step Backs

For buildings in excess of three (3) stories in height, an additional seven and one half (7.5) foot step back (upper story building setback) shall be provided beginning at the fourth (4th) story. The upper story step-back shall be provided along all building elevations with street frontage, excluding alleys. This requirement shall not apply to buildings in the Industrial District.

### 5.3.18. Balconies and Roof as Portion of Usable Open Space

The Board of Appeals or Arlington Redevelopment Board, as applicable, may grant a special permit that private balconies with a least dimension of six feet and open space on a roof not more than 10 feet above the level of the lowest story used for dwelling purposes may be counted up to 50% of the usable open space requirement. The proponent's application shall include drawings which depict surface materials, planting areas, fences, railings, benches, access, and other similar items.

### 5.3.19. Reduced Height Buffer Area

A. When two different maximum height limits are specified for the same zoning district in any Table of Dimensional and Density Regulations in this Section 5, the lower limit shall apply to any lot or part of a lot located in a height buffer area unless it is determined as a specific finding of a special permit that the properties in the adjacent R0, R1, R2, or OS district would not be adversely affected due to existing use or topographic condition. A height buffer area is defined as a lot or part of a lot which is

located at a lesser distance from any land, not within a public way, in an R0, R1, R2 or OS district than the following:

Land in R0, R1, R2, OS is located	Lower height shall apply
Between northwest and northeast	Within 200 feet
Easterly, between northeast and southeast, or westerly between northwest and southwest	Within 150 feet
Southerly, between southeast and southwest	Within 100 feet

### 5.3.20. Maximum Height Exceptions

In any district, the maximum height limitations shall not apply to the following:

- Chimneys, ventilators, skylights, water tanks, bulkheads, penthouses, and other accessory additions that are required or are customarily carried above the roofs of buildings.
- Non-habitable towers, spires, domes, cupolas, and similar additions provided they do not occupy more than twenty (20) percent of the ground floor of the building.

### 5.3.21. Supplemental Requirements in the Business and Industrial Districts

#### A. Screening and Buffers: Industrial and Business Districts and Parking Lots

- Screening and space buffers shall be required in any Industrial (I) or Business (B) district that abuts certain buildable residential lots. The minimum width of the buffer shall be as follows:

I or B District	Abutting R District	Minimum Buffer
I, B5	R0 through R5	25 ft.
B3, B2A, B4	R0 through R5	15 ft.
I	R6 through R7	10 ft.
B1, B2	R0 through R5	10 ft.

The strip shall contain a screen of plantings of vertical habit not less than three feet in width and six feet in height at the time of occupancy of such lot.

Individual shrubs or trees shall be planted not more than 20 feet on center, and shall thereafter be maintained by the owner or occupants to maintain a dense screen year-round. At least 50% of the plantings shall consist of evergreens and they shall be evenly spaced. A solid wall or solid wooden fence, five to six feet in height, complemented by suitable plantings, may be substituted for one-half the required width of such landscaped buffer strip; however, provisions of this section shall not supersede the minimum setbacks for parking lots per Section 6.1 nor the minimum yard requirements of Sections 5.5 and 5.6. No screen shall be closer than 10 feet to a public or private way. Where deemed appropriate by the property owner and immediate abutters, and as approved by the building inspector, another wall or fence height or fence type, including but not limited to coated chain link or "wrought iron" types may be substituted for the required wall or fence. See Section 5.3.7 for screening and buffer requirements for Business districts, Industrial districts, and parking lots.

- For any area used for the parking of more than five vehicles, the screening provisions of Section 6.1, Off-Street Parking, shall apply.

- B. Accessory Structures. Accessory structures must comply with the minimum yard, maximum height, and minimum open space requirements of the district in which they are located.
- C. Upper-Story Setbacks. In any district where the maximum building height exceeds three stories, upper-story building setbacks shall be required. See 5.3.17 for Upper Story Step Back requirements.
- D. For mixed uses and any permitted residential use not specifically identified in the tables in Section 0, the minimum open space requirements (computed from the residential floor area only) shall be 10% landscaped and 20% usable in the B1, B2, B2A, B3, and B4 districts, and 15 percent usable in the B5 district.
- E. Minimum side and rear yards in Industrial Districts and minimum front, side, and rear yard are not required when abutting railroad track or railroad right-of-way if railroad is utilized for loading or unloading.

#### 5.3.22. Gross Floor Area

- A. For the purposes of this bylaw, the following areas of buildings are to be included in the calculation of Gross Floor Area:
  - (1) Elevator shafts and stairwells on each floor;
  - (2) Attic areas with headroom, measured from subfloor to the bottom of the roof structure, of seven feet, except as excluded in (4) below;
  - (3) Interior mezzanines;
  - (4) Penthouses;
  - (5) Basement areas except as excluded in (2) below;
  - (6) Cellars in residential uses;
  - (7) All-weather habitable porches and balconies; and
  - (8) Parking garages except as excluded in (1) below.
- B. For the purposes of this bylaw, the follow areas of buildings are to be excluded from the calculation of Gross Floor Area:
  - (1) Areas used for accessory parking, or off-street loading purposes;
  - (2) Basement areas devoted exclusively to mechanical uses accessory to the operation of the building;
  - (3) Open or lattice enclosed exterior fire escapes;
  - (4) Attic and other areas used for elevator machinery or mechanical equipment accessory to the operation of the building; and
  - (5) Unenclosed porches, balconies, and decks.
- C. For the purposes of this bylaw, the district dimensional requirements for Usable Open Space and Landscaped Open Space are calculated based on Gross Floor Area.

## 5.4 RESIDENTIAL DISTRICTS

### 5.4.1. Districts and Purposes

The Town of Arlington has established eight residential districts to accommodate a variety of single-family, two-family, duplex, three-family, and multi-family apartment dwellings, as well as offices in some cases, in locations that are appropriate for the permitted uses and density of development. The boundaries of the districts are as shown on the Zoning Map.

- A. R0, R1, and R2. The R0, R1, and R2 districts are traditional residential districts. Together, these districts comprise a substantial majority of the residentially zoned land in Arlington.
  - (1) R0: Large Lot Single-Family District. The Large Lot Single-Family District has the lowest residential density of all districts and is generally served by local streets only. The Town discourages intensive land uses, uses that would detract from the single-family residential character of these neighborhoods, and uses that would otherwise interfere with the intent of this Bylaw.
  - (2) R1: Single-Family District. The predominant uses in R1 are single-family dwellings and public land and buildings. The Town discourages intensive land uses, uses that would detract from the single-family residential character of these neighborhoods, and uses that would otherwise interfere with the intent of this Bylaw.
  - (3) R2: Two-Family District. The predominant use in R2 is a two-family dwelling or duplex. This district is generally served by local streets only and its neighborhoods are largely walkable and well established. It includes areas that are generally within walking distance of the stores and transportation facilities along Massachusetts Avenue and Broadway. The Town discourages uses that consume large amounts of land, uses that would detract from the single-family and two-family or duplex residential character of these neighborhoods, and uses that would otherwise interfere with the intent of this Bylaw.
- B. R3 and R4. The R3 and R4 districts are established residential areas in or adjacent to the commercial centers along Broadway and Massachusetts Avenue.
  - (1) R3: Three-Family District. The predominant use in the R3 district is a three-family dwelling. It is the Town's intent that no businesses will be located in the R3 district. The Town discourages uses that would detract from the small-scale multifamily residential character of these neighborhoods, consume large amounts of land, or otherwise interfere with the intent of this Bylaw.
  - (2) R4: Townhouse Districts. The predominant uses in the R4 district are one- and two-family dwellings in large, older houses. Conversions of these old homes to apartments or offices are allowed to encourage their preservation. Townhouse construction is permitted at the same density as the apartment conversions, and at a scale in keeping with the older houses. Uses which would detract from the desired residential character, or otherwise interfere with the intent of this bylaw, are discouraged.
- C. R5, R6, and R7. The R5, R6, and R7 districts are apartment districts in which a variety of uses and different densities of development are allowed. For medium-

density (R6) and high-density (R7) residential development. Most of these districts are along Massachusetts Avenue and Pleasant Street, primarily within or adjacent to Arlington Center.

- (1) R5: Apartment District/Low Density. The predominant use is two- to three-story garden apartments located along or near principal arteries. The Town allows small-scale offices on principal arteries only. The Town discourages uses which would detract from the desired residential character, consume large amounts of land, or otherwise interfere with the intent of this Bylaw.
- (2) R6: Apartment District/Medium Density. The predominant land uses in the Medium-Density Apartment District consist of a mix of apartments up to four stories high and offices at a smaller scale. The Town discourages uses which would detract from the desired residential and office character or otherwise interfere with the intent of this Bylaw.
- (3) R7: Apartment District/High Density. The High-Density Apartment District accommodates apartments up to five stories high and offices of a similar scale. The Town discourages uses that would detract from the desired character of these areas, such as large-scale retail uses, or otherwise interfere with the intent of this Bylaw.

#### 5.4.2. Dimensional and Density Requirements

The dimensional and density requirements in this Section apply to principal and accessory uses and structures in the Residential districts. Additional dimensional and density regulations affecting all districts can be found in Section 5.3.

LEGEND FOR TABLES	
Sq.ft.	Square feet
ft	Feet
L	Length
H	Height
W	Width
ROW	Right-of-Way
SP	Special Permit
Y	Yes (use allowed)

#### A. Tables of Dimensional and Density Requirements

R District Lot Regulations (see 5.4.2(B) for exceptions).

District Use	Minimum Requirement		
	Minimum Lot Area (sq. ft.)	Minimum Lot Area per Unit (sq. ft.)	Minimum Lot Frontage (ft.)
R0	9,000	----	75
R1, R2	6,000	----	60
R3		----	60
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling; or other permitted structure except townhouse	5,000	----	45
Townhouse structure	----	2,500	45
R4			
Single-family detached dwelling, two-family dwelling, duplex dwelling	6,000	----	60
Three-family dwelling	7,500	----	70
Townhouse structure	30,000	2,500	100
Apartment conversion	12,500	2,500	80
Nursing home, dormitory, or single-room occupancy conversion	20,000	----	100
Any other permitted structure	6,000	----	60
R5			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	6,000	----	60
Townhouse, apartment building	20,000	1,450	100
Other permitted structure	6,000	----	60
R6			
Single or two-family dwelling, duplex dwelling, three-family dwelling	5,000	----	45
Townhouse structure, apartment building, or office structure	20,000	700	100
Other permitted structure	6,000	----	60
R7 Any permitted principal structure	20,000	550	100

## R District Yard and Open Space Requirements (see 5.4.2(B) for exceptions).

		Minimum Requirement		
District	Use	Front Yard (ft.)	Side Yard (ft.)	Rear Yard (ft.)
R0, R1		25	10	
	Rear (lot depth 100 ft. or more)	-----	-----	20
	Rear (lot depth <100 ft.)	-----	-----	20% lot depth
	Accessory buildings and garage structures	25	6	6
R2		20	10	
	Rear (lot depth 100 ft. or more)	-----	-----	20
	Rear (lot depth <100 ft.)	-----	-----	20% lot depth
	Accessory buildings and garage structures	20	6	6
R3				
	Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling; or other permitted structure except townhouse	10	One side: min. 10 Sum of two sides: min. 16	20
	Townhouse structure	10	10	20
	Accessory buildings and garage structures	10	6	6
R4				
	Single-family detached dwelling, two-family dwelling, duplex dwelling	25	10	20
	Three-family dwelling	25	10	20
	Townhouse structure	25	15	25
R4				
	Apartment conversion	25	10	20
	Nursing home, dormitory, or single-room occupancy conversion	25	25	25
	Any other permitted structure	25	15	20
	Accessory buildings and garage structures	25	6	6
R5				
	Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	20	10	20
	Townhouse, apartment building	15	10+(L/10)	25
	Other permitted structure	20	20	20
	Accessory buildings and garage structures	20	6	6
R6				
	Single or two-family dwelling, duplex dwelling, three-family dwelling	10	One side: min. 10 Sum of two sides: min. 16	20
	Townhouse structure, apartment building, or office structure	15+(H/10)	(H+L)/6	(H+L)/6
	Other permitted structure	20	10	20
	Accessory buildings and garage structures	20	10	10
R7				
	Any permitted principal structure	15+(H/10)	(H+L)/6 At least 20 ft.	(H+L)/6 At least 20 ft.
	Accessory buildings and garage structures	20	10	10

Note: L is the length of a wall parallel (or within 45 degrees of parallel) to lot line, measured parallel to lot line, subject to the provisions of Section 5.3.15 for buildings of uneven alignment or height. H is the height of that part of the building for which the setback or yard is to be calculated.

R District Open Space and Lot Coverage Regulations (see 5.4.2(B) and 5.3.13(B) for exceptions).

District Use	Minimum / Maximum Requirements		
	Landscaped Open Space (Min.)	Usable Open Space (Min.)	Maximum Lot Coverage
R0			
Permitted residential structure	10%	30%	35%
Any other permitted structure	10%	-----	-----
R1, R2			
Permitted residential structure	10%	30%	35%
Any other permitted structure	30%	-----	-----
R3			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three- family dwelling; or other permitted structure except townhouse	10%	30%	-----
Townhouse structure	10%	30%	-----
Any other permitted structure	30%	-----	-----
R4			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	10%	30%	35%
Townhouse structure	10%	30%	-----
Apartment conversion	10%	30%	35%
Nursing home, dormitory, or single-room occupancy conversion	30%	-----	-----
Any other permitted structure	30%	-----	-----
R5			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	10%	30%	-----
Townhouse, apartment building	10%	30%	-----
Other permitted structure	30%	-----	-----
R6			
Single or two-family dwelling, duplex dwelling, three-family dwelling	10%	30%	-----
Townhouse structure, apartment building, or office structure	10%	25%	-----
Other permitted structure	10%	-----	-----
R7			
Any permitted principal structure	10%	15%	-----

## R District Building Height and Floor Area Ratio Regulations (see 5.4.2(B) for exceptions)

District Use	Maximum Allowed		
	Maximum Height (ft.)	Maximum height (stories)	Maximum Floor Area Ratio (FAR)
R0, R1			
Single Family detached dwelling	35	2 ½	----
Other permitted structure	35	2 ½	0.35
R2			
Single family detached dwelling, two-family dwelling or duplex dwelling	35	2 ½	----
Other permitted structure	35	2 ½	0.35
R0, R1, R2			
Accessory structures (> 80 sq. ft.) and private garages	20	2	----
Minor accessory building (<= 80 sq. ft.)	7	1	----
R3			
Principal building or structure	35	3	0.75
Detached accessory structure (> 80 sq. ft.)	20	2	----
Detached accessory structure (<= 80 sq. ft.)	7	1	----
R4			
Single-family detached dwelling, two-family dwelling, duplex dwelling	35	2 ½	----
Three-family dwelling	35	3	----
Townhouse structure	35	3	0.70
Apartment conversion	40	3	----
Nursing home, dormitory, or single-room occupancy conversion	35	3	0.70-
Any other permitted structure	35	2 ½	0.35
Detached accessory structure (> 80 sq. ft.)	20	2	----
Detached accessory structure (<= 80 sq. ft.)	7	1	----
R5			
Any residential or other principal structure	35	3	0.80
Detached accessory structure (> 80 sq. ft.)	20	2	----
Detached accessory structure (<= 80 sq. ft.)	7	1	----
R6			
Principal building or structure	35	3	0.8
Townhouse, apartment building, or office on more than 20,000 sq. ft.	40	4	1.2
	35	3	
Detached accessory structure (> 80 sq. ft.)	20	2	----
Detached accessory structure (<= 80 sq. ft.)	7	1	----
R7			
Any permitted principal structure	40	5	1.50
	60		
Accessory buildings and garage structures	20	2	----
Detached accessory structure (> 80 sq. ft.)	20	2	----
Detached accessory structure (<= 80 sq. ft.)	7	1	----

B. Exceptions to Minimum Lot Area, Minimum Front Yard Lot Width, Frontage, Open Space, Side Yard, and Height Requirements in the R0, R1, and R2 Districts.

(1) The following applies to any lot shown on a subdivision plan approved by the Board of Survey or on a plan or deed recorded with the Registry of Deeds prior to May 15, 1924. If such lot did not contain a principal building or a building permit was not issued prior to August 28, 1975, the minimum lot size, frontage, open space, and side yard requirements for a residential use shall not apply, and the lot may be built upon with a single- or two-family residential use if permitted in the applicable district, provided that:

- The lot contains at least 5,000 square feet of area and 50 feet of frontage, and
- The lot was not held in common ownership with any adjoining land, and
- The lot conformed to then-existing dimensional and density requirements at the time that it was shown on an approved plan or by recorded deed or plan, and
- The minimum open space requirements of this section are satisfied.

(2) Exemption for particular streets. The following shall apply to lots on Sunnyside Avenue, Gardner Street, Silk Street, Marrigan Street, and Fremont Street if shown on separate subdivision plans recorded with the Registry of Deeds prior to August 28, 1975. The minimum lot size, minimum frontage, and minimum side yard requirements for residential uses in the R2 district shall not apply, and a single-family dwelling attached to one other single-family dwelling on an adjoining lot as of August 28, 1975, shall be considered a building lot.

(3) R0 District Minimum Lot Area Exception. Any lot shown on the Zoning Map as proposed by the zoning bylaw change first advertised on February 21, 1991, as being in the R0 district, and which was recorded with the Registry of Deeds on or before February 21, 1991, and which did not contain a principal building, or for which a building permit was not issued, may be built upon with a single family residential use provided that the lot contains not less than 6,000 square feet of area and 60 feet of frontage.

(4) Front Yard Minimum Lot Width Requirements and Exceptions. The minimum front yard lot width shall be 50 feet at all points between the front lot line and the nearest building wall, except that such minimum front yard lot width shall not apply to (i) any lot excepted under Section 5.4.2(B)(1) or 5.4.2(B)(2) or 5.4.2(B)(8) or (ii) restoration of any principal building that existed on a lot or for which a building permit was issued prior to February 1, 1988.

(5) Calculation of Building Height. On a lot with a slope more than 5%, building height is the vertical distance of the highest point of the roof above the average finished grade of the ground using grade plane as defined in the State Building Code.

(6) Large Additions. No alteration or addition which increases the gross floor area of a building by the lesser of (a) 750 square feet or more, or by (b) 50% or more of the building's gross floor area on the date of application for a permit

or because of cumulative alterations or additions during the previous two years, shall be allowed unless:

- The addition is constructed entirely within the existing foundation, or
- The Board of Appeals, acting pursuant to Section 3.3, finds that the alteration or addition is in harmony with other structures and uses in the vicinity.

In making its determination, the Board of Appeals shall consider, among other relevant facts, the proposed alteration or addition's dimensions and setbacks in relation to abutting structures and uses and its conformity to the purposes of this Bylaw as set forth in Section 1.2. The increase in gross floor area used to determine the applicability of this section shall only include additions outside the existing footprint of the building.

(7) Garages. Private detached garages need not conform to side yard and/or rear yard setbacks, but shall be governed by the following table:

Construction Type	Setback required from		
	Side Lot Line Garage located entirely within rear yard	Side Lot Line Garage located within side yard	Rear Lot Line
Type 1 and Type 2 with a Type 3B roof	0 ft.	10 ft.	None
Type 3	6 ft.	10 ft.	6 ft.

(8) Exemption for energy efficient homes on R0, R1 or R2 lots with an existing principal building. The minimum frontage and lot area requirements shall not apply to homes constructed to the lower of either (i) Home Energy Rating System (HERS) Score of 44 or below, or (ii) the maximum allowed HERS Score defined in the International Energy Conservation Code as adopted and amended by Massachusetts, and:

- The new structure is built within the existing foundation footprint, or with an addition that is not a Large Addition as defined in Section 5.4.2.B(6) or
- By special permit.

C. One exception is made for attached single-family dwellings on Sunnyside Avenue, Gardner Street, Silk Street, Marrigan Street, and Fremont Street. Attached single-family dwellings existing as of August 28, 1975, on these streets are permitted as a right.

D. In the R0, R1 and R2 districts no new licensed nursing home, rest home, convalescent home facilities shall be constructed except at sites whereon these facilities existed as of August 28, 1975. These existing facilities may be reconstructed to meet code requirements in accordance with a special permit under 3.3 and 3.4.

### 5.4.3. Use Regulations for Residential Districts

Class of Use	R0	R1	R2	R3	R4	R5	R6	R7
<b>Public, Recreational, Entertainment</b>								
Municipal or non-profit recreation building				Y	Y	Y	Y	Y
Municipal or non-profit enclosed entertainment and recreation facilities	SP							
Fire station				Y	Y	Y	Y	Y
Police station				Y	Y	Y	Y	Y
Town office building				Y	Y	Y	Y	Y
Municipal public works yard and associated maintenance, storage, and office facilities				SP	SP	SP	SP	SP
<b>Utility, Transportation, Communications</b>								
Essential services	SP							
Radio or television studio or receiving facility; no wireless transmitting facilities							Y	Y
Municipal radio or television studio or receiving facility licensed by the Town and under Town jurisdiction		SP						
Municipal or other public parking area or structure	SP							
Commercial off-street parking area or structure for the parking or storage on a fee basis of automobiles and light commercial vehicles with a rated capacity of 1 ton or less provided no repairs, servicing or sale of gasoline is carried out on the premises						SP	SP	
Non-residential parking lot serving a business use located in and entered from an adjoining B3 or B5 district, provided that:	SP							
<ul style="list-style-type: none"> <li>• No business, sales, service, or loading operations are performed on the lot, and</li> <li>• Lot complies with the screening provisions of Section 6.1.</li> </ul>								
Residential surface parking lot serving residential uses in another district provided that:	SP							
<ul style="list-style-type: none"> <li>• Lot used for parking abuts the residential property it serves for at least 50 ft.; and</li> <li>• Both lots are under common ownership; and</li> <li>• Lot complies with the screening provisions of Section 6.1.</li> </ul>								
<b>Wireless Communications Facility</b>								
In a Town building; wireless facility shall not extend more than 15 feet or 25% of building height, whichever is less, above the highest point of the building	SP	SP	SP			SP	SP	SP
In building other than Town building; wireless facility shall not extend more than 15 feet or 25% of building height, whichever is less, above the highest point of the building						SP	SP	SP

Class of Use	R0	R1	R2	R3	R4	R5	R6	R7
<b>Utility, Transportation, Communications</b>								
In building other than Town building, use of which is exempt under <u>G.L. c. 40A, § 3</u> ; wireless facility shall not extend above the highest point of the building	SP	SP			SP			
Located on a public utility pole; no part of wireless facility shall extend more than 40 feet above ground or have a total volume over 2 cubic feet	Y	Y	Y	Y	Y	Y	Y	Y
<b>Personal, Consumer and Business Services</b>								
Funeral Home					SP	SP	SP	
<b>Eating &amp; Drinking Establishments</b>								
Restaurant => 2,000 sq. ft., and any restaurant that is principal use on lot of 10,000 sq. ft. or more							SP	
<b>Retail</b>								
Retail, general, with more than 3,000 sq. ft. of gross floor area							SP	
Retail, local, with less than 3,000 sq. ft. of gross floor area							SP	
<b>Office Uses</b>								
Business, professional or medical/clinic offices								
• Less than 3,000 sq. ft. gross floor area per building					SP	SP	Y	Y
• 3,000 sq. ft. or more gross floor area per building						SP	SP	
• In an existing building originally designed for single or two-family residential use, if the building retains its residential appearance and fronts on a street with at least 50 foot right-of-way					SP	SP	Y	Y
• In an existing building originally designed for single or two-family residential use, if the building retains its residential appearance and fronts on a street with < 50 foot right of way					SP	SP	SP	SP
Physician or Clergy office within a residence with up to 1 nonresident employee	SP	SP		SP	SP			
<b>Commercial Entertainment, Amusement, Assembly Uses</b>								
Enclosed entertainment and recreation facilities not conducted as a private for-profit business	SP							
<b>Research, Laboratory, Related Uses</b>								
Offices with data processing facilities or laboratories and testing facilities, which may include minor assembly or fabrication activities limited to 25% of the floor area					SP	SP	SP	

Class of Use	R0	R1	R2	R3	R4	R5	R6	R7
<b>Light Industry</b>								
Research & development	SP							
<b>Accessory Uses</b>								
Accessory Dwelling	Y	Y	Y	Y	Y	Y	Y	Y
Renting of up to three rooms	SP							
Accessory private garage for noncommercial motor vehicles	Y	Y	Y	Y	Y	Y	Y	Y
Accessory storage of a recreational trailer or vehicle, registered automobile or boat, or utility trailer, not in the front yard	Y	Y	Y	Y	Y	Y	Y	Y
Accessory structure not used as part of business	Y	Y	Y	Y	Y	Y	Y	Y
Home occupation <i>Note: Requires a special permit if home occupation serves customers or pupils on the premises. See Section 5.9.1.</i>	Y	Y	Y	Y	Y	Y	Y	Y
Family child care	SP							
Accessory retail, office, or consumer service use in an apartment building over 20,000 sq. ft. in gross floor area, provided: all activities are located on the first floor or basement floor levels, such uses shall not occupy more than 2,000 sq. ft.; all materials, goods, and activities in connection with said uses shall be confined completely within the building								SP Y
Accessory personal services for occupants or employees of hotel, office, or industrial use; access limited to within the building								SP SP
Accessory off-street parking and loading spaces conforming to the provisions of Section 6.1	Y	Y	Y	Y	Y	Y	Y	Y
The storage or keeping of not more than one commercial vehicle:								
• In a private garage accessory to a dwelling if owned or used by a person residing in such dwelling	Y	Y	Y	Y	Y	Y	Y	Y
• Open air parking or storage accessory to a dwelling if owned or used by a person residing in such dwelling	SP							
• Parking of not more than 4 commercially-owned shared vehicles								SP SP Y Y
• Parking of not more than 4 commercially-owned shared vehicles, located on land under the jurisdiction of the Town	SP	SP	SP	SP	SP	SP	Y	Y
Temporary food or beverage concession for profit at an event	Y	Y	Y	Y	Y	Y	Y	Y
Fundraising event by an Arlington non-profit organization with appropriate permits and no automated amusements	Y	Y	Y	Y	Y	Y	Y	Y
Other accessory use	SP							

Class of Use	R0	R1	R2	R3	R4	R5	R6	R7
<b>Accessory Uses</b>								
Up to three dwelling units in a building containing a business or service use				SP	SP	Y	Y	
Fraternal, civic, entertainment, professional, or health or similar clubs or organizations as an accessory use	SP	SP	SP	SP	SP	Y	Y	Y
Cable television studio and/or head end site including antenna and satellite reception facility	SP	SP	SP	SP	SP			
Catering service								Y
Keeping of up to six hen chickens if they are:	Y	Y	Y					
<ul style="list-style-type: none"> <li>Used only for noncommercial purposes, and</li> <li>Permitted by Arlington Board of Health, and</li> <li>Kept in an enclosure in the rear yard at least six feet from all property lines and at least 25 feet from residences on abutting lots</li> </ul>								
Temporary seasonal signage as part of a signage plan at a fenced athletic field with one or more permanent structures to seat more than 300 people	SP							

## 5.5 BUSINESS DISTRICTS

### 5.5.1. Districts and Purposes

The Town of Arlington has established six business districts to provide for goods and services and employment opportunities in a variety of settings. The boundaries of the districts are as shown on the Zoning Map.

- B1: Neighborhood Office District. In the Neighborhood Office District, the predominant uses include one- and two-family dwellings, houses with offices on the ground floor, or office structures which are in keeping with the scale of adjacent houses. Primarily located on or adjacent to Massachusetts Avenue, this district is intended to encourage preservation of small-scale structures to provide contrast and set off the higher-density, more active areas along the Avenue. Mixed-use buildings without retail space are allowed in this district. The Town discourages uses that would detract from the desired low level of activity, consume large amounts of land, or otherwise interfere with the intent of this Bylaw.
- B2: Neighborhood Business District. The Neighborhood Business District is intended for small retail and service establishments serving the needs of adjacent neighborhoods and oriented to pedestrian traffic, and mixed-use buildings. Locations are almost all along Massachusetts Avenue or Broadway. The Town discourages uses that would detract from the district's small-scale business character or otherwise interfere with the intent of this Bylaw.

- C. B2A: Major Business District. The B2A district is located along Massachusetts Avenue, Mill Street, Summer Street, and Broadway. These areas generally contain retail and service uses that serve the needs of a large neighborhood area. Customers generally arrive by car, so the Town wants to ensure that ample parking is available to serve the retailer. Mixed-use buildings are allowed in this district, as is medium-density housing due to the district's proximity to residential uses. Specifically prohibited uses include (but are not limited to) automotive uses, some office uses, and wholesale business and storage uses.
- D. B3: Village Business District. The Village Business District's predominant uses include retail, service and office establishments catering to both convenience and comparison-goods shoppers and oriented to pedestrian traffic. Mixed-use structures are allowed and encouraged in this district. The three locations include portions of the principal business areas of Arlington: Lake Street, Arlington Center, and Arlington Heights. Businesses which consume large amounts of land and activities which interrupt pedestrian circulation and shopping patterns or otherwise interfere with the intent of this bylaw are discouraged.
- E. B4: Vehicular Oriented Business District. The Vehicular Oriented Business District provides for establishments that are primarily oriented to automotive traffic, which means they require large amounts of land in proportion to building coverage. This district also consists of establishments devoted to the sale or servicing of motor vehicles, the sale of vehicular parts and accessories, and service stations. Arlington has an abundance of automotive and automotive accessory sales and service establishments. As these businesses gradually close, the Town has encouraged conversion of the property to other retail, service, office, or residential use, particularly as part of mixed-use development.
- F. B5: Central Business District. The Central Business District is a small district in Arlington Center. It includes retail, service, and office uses, and it provides for large-scale development. The scale is intended to reinforce the Center's role as the focus of activity in Arlington. Mixed-use development is encouraged, such as the combining of residential and business uses. Activities shall be oriented to pedestrian traffic and to centralized parking. The Town discourages businesses that consume large amounts of land and interrupt pedestrian circulation and shopping patterns or otherwise interfere with the intent of this Bylaw.

### 5.5.2. Dimensional and Density Regulations

The dimensional and density requirements in this Section apply to principal and accessory uses and structures in the Business districts. Additional regulations affecting all districts can be found in Section 5.3.

#### LEGEND FOR TABLES

Sq.ft.	Square feet
ft	Feet
L	Length
H	Height
W	Width
ROW	Right-of-Way
SP	Special Permit
Y	Yes (use allowed)

### A. Tables of Dimensional and Density Regulations

#### B District Lot Regulations

District Use	Minimum Requirement		
	Minimum Lot Area (sq. ft.)	Minimum Lot Area per Unit (sq. ft.)	Minimum Lot Frontage (ft.)
<b>B1</b>			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	6,000	2,500	60
Mixed-use	5,000	-----	50
Any other permitted use	5,000	2,500	50
<b>B2</b>			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	6,000	2,500	60
Townhouse or apartment building	5,000	1,450	50
Mixed-use <=20,000 sq. ft.	-----	-----	50
Mixed-use >20,000 sq. ft.	>20,000	1,450	50
Any other permitted use	-----	1,450	50
<b>B2A</b>			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	6,000	2,500	60
Apartments on street w/ ROW <=50 ft.	20,000	1,450	100
Apartments on street w/ ROW >50 ft.	20,000	700	100
Mixed-use <=20,000 sq. ft.	-----	-----	50
Mixed-use >20,000 sq. ft.	>20,000	700	50
Any other permitted use	-----	-----	50
<b>B3</b>			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	6,000	2,500	60
Townhouse or apartment building	20,000	600	100
Mixed-use <=20,000 sq. ft.	-----	-----	50
Mixed-use >20,000 sq. ft.	>20,000	600	50
Any other permitted use <20,000 sq. ft.	-----	600	50
Any other permitted use >=20,000 sq. ft.	20,000	600	100
<b>B4</b>			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	6,000	2,500	60
Apartments on street w/ ROW <=50 ft.	20,000	1,450	100
Apartments on street w/ ROW >50 ft.	20,000	700	100

District Use	Minimum Requirement		
	Minimum Lot Area (sq. ft.)	Minimum Lot Area per Unit (sq. ft.)	Minimum Lot Frontage (ft.)
Mixed-use <=20,000 sq. ft.	-----	-----	50
Mixed-use >20,000 sq. ft.	>20,000	700	50
Any other permitted use	-----	-----	50
<b>B5<sup>A</sup></b>			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	6,000	2,500	60
Townhouse or apartment building	20,000	550	100
Mixed-use <=20,000 sq. ft.	-----	-----	50
Mixed-use >20,000 sq. ft.	>20,000	700	50
Any other permitted use	-----	600	50
On a lot >= 40,000 sq. ft.	>40,000	550	100
On a lot >= 80,000 sq. ft.	>80,000	550	150

<sup>A</sup> The maximum height in feet of any building or buildings may be modified by special permit of the Arlington Redevelopment Board under Section 3.4 of this Bylaw, provided that the total roof area exceeding either maximum height shall be equal to an equal roof area, within the part of the project to which the same height limit applies, that is less than the maximum height so that the total of the products of the horizontal roof area of all roofs times their respective heights shall not exceed the product of the horizontal area of the total roof times the applicable maximum height permitted in the district, and provided further that the height of any roof shall not exceed the applicable maximum height permitted in the district by more than 12 feet.

## B District Yard and Open Space Requirements

District Use	Minimum Requirement		
	Front Yard (ft.)	Side Yard (ft.)	Rear Yard (ft.)
<b>B1</b>			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	20	10	20
Mixed-use	20	10	20
Any other permitted use	20	10	20
<b>B2</b>			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	20	10	20
Townhouse or apartment building	20	10	20
Mixed-use <=20,000 sq. ft.	-----	-----	10+(L/10)
Mixed-use >20,000 sq. ft.	0	0	10+(L/10)
Any other permitted use	-----	-----	10+(L/10)
<b>B2A</b>			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	20	10	20
Apartments on street w/ ROW <=50 ft.	15	10+(L/10)	30
Apartments on street w/ ROW >50 ft.	15+(H/10)	(H+L)/6	(H+L)/6 (at least 30 ft)
Mixed-use <=20,000 sq. ft.	0	0	10+(L/10)
Mixed-use >20,000 sq. ft.	0	0	10+(L/10)
Any other permitted use	-----	-----	10+(L/10)
<b>B3</b>			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	20	10	20
Townhouse or apartment building	15+(H/10)	(H+L)/6	(H+L)/6
Mixed-use <=20,000 sq. ft.	0	0	(H+L)/6
Mixed-use >20,000 sq. ft.	0	0	(H+L)/6
Any other permitted use <20,000 sq. ft.	-----	-----	(H+L)/6
Any other permitted use >20,000 sq. ft.	-----	-----	(H+L)/6

District Use	Minimum Requirement		
	Front Yard (ft.)	Side Yard (ft.)	Rear Yard (ft.)
<b>B4</b>			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	20	10	20
Apartments on street w/ ROW <=50 ft.	15	10+(L/10)	30
Apartments on street w/ ROW >50 ft.	15+(H/10)	(H+L)/6	(H+L)/6 (at least 30 ft.)
Mixed-use <=20,000 sq. ft.	0	0	10+(L/10)
Mixed-use >20,000 sq. ft.	0	0	10+(L/10)
Any other permitted use	-----	-----	10+(L/10)
<b>B5</b>			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	20	10	20
Townhouse or apartment building	15+(H/10)	(H+L)/6 (at least 20 ft.)	(H+L)/6 (at least 20 ft.)
Mixed-use <=20,000 sq. ft.	0	0	10+(L/10)
Mixed-use >20,000 sq. ft.	0	0	10+(L/10)
Any other permitted use			(H+L)/6
On a lot >=40,000 sq. ft.	-----	-----	(H+L)/6
On a lot >=80,000 sq. ft.	-----	-----	(H+L)/6

Note: L is the length of a wall parallel (or within 45 degrees of parallel) to lot line, measured parallel to lot line, subject to the provisions of Section 5.3.15 for buildings of uneven alignment or height. H is the height of that part of the building for which the setback or yard is to be calculated.

## B District Open Space and Lot Coverage

Use District	Minimum/Maximum Requirement		
	Landscaped Open Space	Usable Open Space	Maximum Lot Coverage
<b>B1</b>			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	10%	30%	-----
Mixed-use	20%	Sec. 5.3.21	-----
Any other permitted use	20%	Sec. 5.3.21	-----
<b>B2</b>			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	10%	30%	-----
Townhouse or apartment building	10%	20%	-----
Mixed-use	10%	Sec. 5.3.21	-----
Any other permitted use	10%	Sec. 5.3.21	-----
<b>B2A</b>			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	10%	30%	-----
Apartments on street w/ ROW <=50 ft.	10%	25%	-----
Apartments on street w/ ROW >50 ft.	10%	20%	-----
Mixed-use <=20,000 sq. ft.	-----		-----
Mixed-use >20,000 sq. ft.	10%	Sec. 5.3.21	-----
Any other permitted use	20% 10%	Sec. 5.3.21	-----

Use District	Minimum/Maximum Requirement		
	Landscaped Open Space	Usable Open Space	Maximum Lot Coverage
<b>B3</b>			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	10%	30%	-----
Townhouse or apartment building	10%	20%	-----
Mixed-use <=20,000 sq. ft.	-----	Sec. 5.3.21	-----
Mixed-use >20,000 sq. ft.	10%		
Any other permitted use	20%	Sec. 5.3.21	-----
<b>B4</b>			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	10%	30%	-----
Apartments on street w/ ROW <50 ft.	10%	30%	-----
Apartments on street w/ ROW >50 ft.	10%	20%	-----
Mixed-use <=20,000 sq. ft.	-----	Sec. 5.3.21	-----
Mixed-use >20,000 sq. ft.	10%		
Any other permitted use	10%	Sec. 5.3.21	-----
<b>B5</b>			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	10%	30%	-----
Townhouse or apartment building	10%	15%	-----
Mixed-use <= 20,000 sq. ft.	-----	Sec. 5.3.21	-----
Mixed-use > 20,000 sq. ft.	10%		
Any other permitted use	10%	----- (20% for residential use)	-----
On a lot >= 40,000 sq. ft.	10%	Sec. 5.3.21	-----
On a lot >= 80,000 sq. ft.	10%	Sec. 5.3.21	

## B District Building Height and Floor Area Ratio Regulations

District Use	Maximum Allowed		
	Maximum Height (ft.)	Maximum height (stories)	Maximum Floor Area Ratio (FAR)
<b>B1</b>			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	35	2 1/2	0.75
Mixed-use	35	3	0.75
Any other permitted use	35	3	0.75
<b>B2</b>			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	35	2 1/2	0.75
Townhouse or apartment building	35	3	1.00
Mixed-use <= 20,000 sq. ft.	50	4*	1.503.00
Mixed-use >20,000 sq. ft.	40	3 *See Sec 5.3.17	1.002.00
Any other permitted use	35	2 1/2	1.00
<b>B2A</b>			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	35	2 1/2	0.75
Apartments on street w/ ROW <50 ft.	35	3	0.80
Apartments on street w/ROW >50 ft.	40	4	1.20

		Maximum Allowed		
		25		
District Use		Maximum Height (ft.)	Maximum height (stories)	Maximum Floor Area Ratio (FAR)
Mixed-use <= 20,000 sq. ft.		60 50	5 4	<u>1.503.00</u>
Mixed-use >20,000 sq. ft.		50 40	4 3	<u>1.002.00</u>
Any other permitted use		35	3	1.00
<b>B3</b>				
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling		35	2 ½	0.75
Townhouse or apartment building 20,000 sq. ft.		60 40	5 3	1.40
Mixed-use <= 20,000 sq. ft.		60 50	5* 4	<u>1.503.00</u>
Mixed-use >20,000 sq. ft.		50 40	5 3	<u>1.402.80</u>
Any other permitted use < 20,000 sq. ft.		60 40	5 3	1.00
Any other permitted use >= 20,000 sq. ft.		60 40	5 3	1.40
<b>B4</b>				
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling		35	2 ½	0.75
Apartments on street w/ ROW <=50 ft.		35	3	0.80
Apartments on street w/ROW >50 ft.		40 20	4 3	1.20
Mixed-use <= 20,000 sq. ft.		60 50	5 4*	<u>1.503.00</u>
Mixed-use > 20,000 sq. ft.		50 40	4 3	<u>1.002.00</u>
Any other permitted use		35	3	1.00
<b>B5</b>				
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling		35	2½	0.75
Townhouse or apartment building		75 40	-----	1.50
Mixed-use <= 20,000 sq. ft.		60 50	5 4*	<u>1.803.00</u>
Mixed-use > 20,000 sq. ft.		60 40	5 3*	<u>1.402.80</u>
Any other permitted use		60 40	5 3	1.40
On a lot >= 40,000 sq. ft.		75 40	-----	1.50
On a lot >= 80,000 sq. ft.		75 40	-----	1.80

## B. Development Standards for Business Districts

(1) Purpose. The purpose of this Section 5.5.2(B) is to encourage pedestrian activity, maintain an active street, and to encourage the development of active ground floor uses. The Redevelopment Board may consider the purposes of

this Section in determining whether to grant a Special Permit through Section 3.4.

(2) Applicability. In the Business Districts, applications subject to review by the Arlington Redevelopment Board shall be governed by all requirements of this Section 5.5.2(B) as well as all other applicable provisions of this Bylaw. This Section is not applicable to requests for sign approvals.

(3) Administration. This Section 5.5.2(B) shall be administered subject to Sections 3.3, Special Permits, and 3.4, Environmental Design Review, by the Arlington Redevelopment Board, including making reasonable exemptions from the standards.

(4) Standards

Transparency and access. In the Business Districts, the following requirements apply to all new construction, additions over 50% of the existing footprint, or redevelopment:

- The required minimum transparency of the ground floor principal façade visible from a public right-of-way is 60% of the area measured between 2 and 8 feet in height from the level of the finished sidewalk.
- All façades visible from a public right-of-way shall be given equal treatment in terms of architectural detailing. No blank façades that face a public right-of-way are permitted. Façades shall be articulated a minimum of every 30 feet.
- Each ground floor storefront in a building shall have a clearly defined primary entrance that faces the principal street. A corner door may be used for a building that faces two public streets.
- The primary building entry shall be connected by an accessible surface to the public sidewalk.
- Lobby entrances for upper story uses should be optimally located, well defined, and clearly visible. Buildings should use any combination of articulation, a double-height ceiling, a distinctive doorway, a change in wall material, a change in paving material within the frontage area, or other architectural element(s) to make lobbies visually and materially distinctive. Lobby entrances for upper story uses may be located on a side or rear façade of a building.
- Lobbies should be limited in both width and total area to preserve floor space and façade frontage for other ground floor uses.

### 5.5.3. Use Regulations for Business Districts

Class of Use	B1	B2	B2A	B3	B4	B5
<b>Residential</b>						
Single-family detached dwelling	Y	Y	Y	Y	Y	Y
Two-family dwelling, duplex dwelling	Y	Y	Y	Y	Y	Y

Class of Use	B1	B2	B2A	B3	B4	B5
Six or more single-family dwellings or six or more units in two-family dwellings or duplex dwellings on one or more contiguous lots	SP	SP	SP	SP	SP	SP
<b>Residential</b>						
Three-family dwelling	SP	SP	SP	SP	SP	SP
Townhouse	SP	SP	SP	SP	SP	SP
Apartment building		SP	SP	SP	SP	SP
Conversion to apartments, up to 18 units per acre, with no alteration to the exterior of the building	SP					
Single-room occupancy building	SP					SP
Group home	Y	Y	Y	Y	Y	Y
Hotel/Motel			SP	SP	SP	SP
Conversion of one or two-family dwelling to bed and breakfast	SP	SP	SP	SP	SP	SP
Assisted living residence				SP		
Dormitory ( <i>Note: See Section 3.5 if use is for educational or religious purposes.</i> )	Y	Y	Y	Y	Y	Y
<b>Institutional, Educational</b>						
Community center, youth club, adult education center, or similar facility operated by a non-profit institution ( <i>Note: See Section 3.5 if use is for educational or religious purposes.</i> )	SP	SP		SP		SP
Nonprofit, members-only private club or lodge	SP	SP	SP	SP	Y	SP
Non-exempt educational use, e.g., trade, driving, music, dancing school		Y	Y	Y	Y	Y
Library, museum, or art gallery open to the public and not conducted as a private gainful business. ( <i>Note: See Section 3.5 if use is for educational or religious purposes.</i> )	SP	SP	SP	SP		SP
<b>Agricultural</b>						
Sales place for flowers as a principal not accessory use, garden supplies, agricultural produce, conducted outdoors or commercial greenhouse		Y	Y	Y	Y	Y
Farm on less than 5 acres unless otherwise exempt under <a href="#">G.L. c. 40A, §3</a> , or market garden provided that all goods or produce sold are grown on the premises	Y	Y	Y	Y	Y	Y
<b>Public Recreational, Entertainment</b>						
Conservation land	Y	Y	Y	Y	Y	Y
Municipal or non-profit park, playground, or similar outdoor recreation facility	Y	Y	Y	Y	Y	Y
Municipal or non-profit fishing, tennis, swimming, skating, golf club, or other outdoor recreation facility not conducted as a private gainful business						SP
Municipal or non-profit recreation building	Y	Y	Y	Y	Y	Y
Municipal or non-profit enclosed entertainment and recreation facilities		SP	SP	SP	SP	SP
Fire station	Y	Y	Y	Y	Y	Y
Police station	Y	Y	Y	Y	Y	Y
Town office building	Y	Y	Y	Y	Y	Y
Municipal public works yard and associated maintenance, storage, and office facilities	SP	SP	SP	SP	SP	SP
<b>Utility, Transportation, Communications</b>						
Bus, transit, railroad station		SP	SP	SP	SP	SP
Motor freight terminal					SP	
Essential services	SP	SP	SP	SP	SP	SP

Class of Use	B1	B2	B2A	B3	B4	B5
Radio or television studio or receiving facility without wireless transmitting facilities	Y	Y	SP	Y	Y	Y
<b>Utility, Transportation, Communications</b>						
Municipal or other public parking area or structure	SP	SP	SP	SP	SP	SP
Commercial parking or vehicle storage facility, with no repairs, servicing or sale of gasoline		SP	SP	SP	SP	SP
Residential surface parking lot serving residential uses in another district provided that:						
<ul style="list-style-type: none"> <li>The lot used for parking abuts the residential property it serves for at least 50 ft.; and</li> <li>Both lots are under common ownership; and</li> <li>The parking lot complies with the screening provisions of Section 6.1</li> </ul>	SP	SP	SP	SP	SP	SP
Wireless Communication Facility						
In a Town building; wireless facility shall not extend more than 15 feet or 25% of building height, whichever is less, above the highest point of the building		SP	SP	SP		SP
In a building other than a Town building; wireless facility shall not extend more than 15 feet or 25% of building height, whichever is less, above the highest point of the building		SP	SP	SP	SP	SP
In building other than Town building, use of which is exempt under <u>G.L. c. 40A, § 3</u> ; wireless facility shall not extend above the highest point of the building	SP					
Located on a public utility pole; no part of wireless facility shall extend more than 40 feet above ground or have a total volume over 2 cubic feet	Y	Y	Y	Y	Y	Y
<b>Commercial &amp; Storage Uses</b>						
Motor vehicle sales and rental, sale of auto parts, and accessory storage entirely within an enclosed structure, provided the neighborhood is protected from noise, fumes, gases, smoke and vapor					SP	
Outdoor sales and storage of undamaged, operable automobiles					SP	
Auto repair shop, not including a junkyard or open storage of abandoned vehicles, body work or auto painting					SP	
Car wash facility					SP	
Auto service station					SP	
<b>Personal, Consumer and Business Services</b>						
Copy center or print shop for sheet-fed printing	Y	Y	Y	Y	Y	
Bank, credit union or other financial service; <2,000 sq. ft.	Y	Y	Y	Y	Y	
2,000 sq. ft. or more, or any drive-up banking service		SP	SP	SP	SP	
Personal service establishment	Y	Y	Y	Y	Y	
Hand laundry, dry cleaning, or tailor with more than 5 employees on site at the same time	SP	Y	Y	Y	Y	
Consumer service establishment	SP	Y	Y	Y	Y	
<ul style="list-style-type: none"> <li>With more than 5 employees on site at the same time</li> </ul>		SP	SP	SP	SP	
Funeral Home	Y	Y	SP	Y		Y

Class of Use	B1	B2	B2A	B3	B4	B5
Veterinary and animal care; accessory overnight boarding only for veterinary/medical care in an enclosed building	Y	Y	Y	Y	Y	Y

Class of Use	B1	B2	B2A	B3	B4	B5
<b>Eating &amp; Drinking Establishments</b>						
Restaurant						
< <del>2,000</del> 3,000 sq. ft. gross floor area	SP	Y	Y	Y	<del>Y</del>	Y
=> <del>2,000</del> 3,000 sq. ft., and any restaurant that is principal use on lot of 10,000 sq. ft. or more	SP	SP	SP	SP	SP	SP
Restaurant, Fast-Order Food						
< 1,500 sq. ft. in gross floor area	Y	Y	Y			Y
=> 1,500 sq. ft., and any restaurant that is principal use on lot greater than 10,000 sq. ft. or more	SP	SP	SP			SP
Restaurant, Drive-In Food Service						
Catering service						
<b>Retail</b>						
Retail, general, >3,000 sq. ft. gross floor area	SP	SP	SP	SP	SP	SP
Retail, local; <3,000 sq. ft.	Y	Y	Y	Y	Y	Y
Manufacture, assembly, packaging of goods provided that at least 50% of such goods are sold at retail primarily on the premises						
<1,000 sq. ft.	Y	Y	Y	Y	Y	Y
=>1,000 sq. ft.	SP	SP	SP	SP	SP	SP
Marijuana Delivery-Only Retailer <sup>3</sup>						
Marijuana Retailer						
<b>Office Uses</b>						
Including but not limited to professional, business, or medical offices:						
• Less than 3,000 sq. ft. gross floor area per building	SP	Y	Y	Y	Y	Y
• 3,000 sq. ft. or more gross floor area per building	SP	SP	SP	SP	SP	SP
• Office, display or sales space with no more than 25% of floor space used for assembly, packaging or storage of commodities		SP	SP	Y	Y	
• In an existing building originally designed for single- or two- family residential use, if the building retains its residential appearance and is on street with ROW of at least 50 ft.	SP					
• With ROW less than 50 ft.	SP	SP		SP	SP	SP
<b>Wholesale Business &amp; Storage</b>						
Wholesale business in enclosed facility				SP		SP
Wholesale storage and sale of flammable liquid, or wholesale business conducting at least half of the business at retail on the premises, based on business receipts						SP
Open or enclosed storage of vehicles						SP
<b>Commercial Entertainment, Amusement, Assembly Uses</b>						
Enclosed entertainment and recreation facilities not conducted as a private for-profit business	SP	SP	SP	SP	SP	SP
Outdoor entertainment and recreation facilities			SP	SP		
Enclosed entertainment and recreation facilities conducted for a profit	SP	SP	SP	SP	SP	
Indoor Motion Picture Theater	SP	SP	SP	SP	SP	
Adult Uses						SP

<sup>3</sup> See Section 2 definition of "Marijuana delivery-only retailer" for further information.

Class of Use	B1	B2	B2A	B3	B4	B5
<b>Research, Laboratory, Related Uses</b>						
Offices with data processing facilities or laboratories and testing facilities, which may include minor assembly or fabrication activities limited to 25% of the floor area	SP	SP	SP	SP	SP	SP
Research and development establishment		SP	SP	SP	SP	SP
Marijuana Research and Testing Facility			SP	SP	SP	SP
<b>Light Industry</b>						
Laundry or dry cleaning plant					SP	
Printing, binding, engraving plant					SP	SP
Contractor's or Building Tradesman's yard					SP	
Stone cutting, shaping, finishing in enclosed facility					SP	
Truck service and repair					SP	
Light manufacturing provided dust, flashing, fumes, gases, odors, refuse matter, smoke, and vapor in enclosed facility or disposed of properly and provided no noise or vibration is perceptible without instruments at a distance greater than 50 feet					SP	
Marijuana Production Facility					SP	
<b>Other Principal Uses</b>						
Medical Marijuana Treatment Center				SP	SP	SP
Artisanal fabrication	SP	SP	SP	SP	SP	SP
<b>Other Principal Uses</b>						
Artistic/creative production	SP	Y	Y	Y	Y	Y
Mixed-use	SP	SP	SP	SP	SP	SP
<b>Accessory Uses</b>						
Accessory Dwelling	Y	Y	Y	Y	Y	Y
Renting of up to three rooms	Y	Y	Y	Y	Y	Y
Accessory private garage for noncommercial motor vehicles	Y	Y	Y	Y	Y	Y
Accessory storage of a recreational trailer or vehicle, registered automobile or boat, or utility trailer, not in the front yard						Y
Accessory structure not used as part of business	Y	Y	Y	Y	Y	Y
Home occupation or office	Y	Y	Y	Y	Y	Y
Physician or Clergy office within a residence with up to 1 nonresident employee	Y	Y	Y	Y	Y	Y
Family child care	SP	SP	SP	SP	SP	SP
Accessory retail or office use in apartment building over 20,000 square feet in gross floor area, provided: all activities are located on the first floor or basement floor levels, such uses shall not occupy more than 2,000 sq. ft.; all materials, goods, and activities in connection with said uses shall be confined completely within the building			Y	Y	Y	Y
Accessory personal services for occupants or employees of hotel, office, or industrial use; access limited to within the building				Y	Y	Y
Accessory off-street parking and loading spaces conforming to the provisions of Section 6.1	Y	Y	Y	Y	Y	Y

Class of Use	B1	B2	B2A	B3	B4	B5
<b>Accessory Uses</b>						
The storage or keeping of not more than one commercial vehicle:						
• In a private garage accessory to a dwelling if owned or used by a person residing in such dwelling	Y	Y	Y	Y	Y	Y
• Open air parking or storage accessory to a dwelling if owned or used by a person residing in such dwelling	Y	Y	Y	Y	Y	Y
• Parking of not more than 4 commercially-owned shared vehicles	SP	Y	Y	Y	Y	Y
• Parking of not more than 4 commercially-owned shared vehicles, located on land under the jurisdiction of the Town	SP	Y	Y	Y	Y	Y
Accessory outdoor storage; storage area not exceeding 25% of the lot coverage of the principal building.	SP	SP	SP	SP	SP	SP
Temporary food or beverage concession for profit at an event	Y	Y	Y	Y	Y	Y
Fundraising event conducted by an Arlington based non-profit organization, with no automated amusements	Y	Y	Y	Y	Y	Y
Other accessory use customarily incidental to permitted primary use	SP	SP	SP	SP	SP	SP
Activities accessory to a permitted use that are necessary in connection with scientific research	SP	SP	SP	SP	SP	SP
Up to three dwelling units in a building containing a business or service use	SP	SP	SP	SP	SP	SP
Fraternal, civic, entertainment, professional, or health or similar clubs or organizations as an accessory use	SP	Y	Y	Y	Y	Y
Cable television studio and/or head end site including antenna and satellite reception facility	SP					
Catering service	Y	Y	Y	Y	Y	Y

## 5.6 OTHER DISTRICTS

### 5.6.1. Districts and Purposes

- A. MU: Multi-Use. The Multi-Use District allows larger scale development only when controlled by the Arlington Redevelopment Board through urban renewal plans and Environmental Design Review. Designation as a Multi-Use District requires a minimum of one acre of land.
- B. I: Industrial District. The Industrial District in the Mill Brook Valley allows uses requiring the manufacture, assembly, processing, or handling of materials which because of their traffic, noise, appearance, odor, or hazards would be disruptive to residential and other business uses. In this district, the Town allows residential uses, retail business uses, and restaurants if they are accessory to an industrial use to support the continuation of industrial uses in Arlington. Mixed-use development is allowed with all uses.
- C. T: Transportation District. In the Transportation District, the principal uses are bus terminals, open space uses, and the Minuteman Bikeway. Uses in conflict with these allowed uses or which otherwise interfere with the intent of this Bylaw are prohibited.

D. PUD: Planned Unit Development District. The Planned Unit Development District provides for large scale, multi-use development upon approval of a development plan and the assembly of a large amount of land.

E. OS: Open Space District. The Open Space District includes parcels under the jurisdiction of the Park and Recreation Commission, Conservation Commission, Arlington Redevelopment Board, Massachusetts Department of Conservation and Recreation (DCR), or Massachusetts Bay Transportation Authority (MBTA). Structures, where present, are clearly accessory to the principal open space and recreation functions of the property.

#### 5.6.2. Dimensional and Density Regulations

The dimensional and density requirements in this Section apply to principal and accessory uses and structures in the MU, I, T, PUD, and OS districts. Additional dimensional and density regulations affecting all districts can be found in Section 5.3.

##### LEGEND FOR TABLES

Sq.ft.	Square feet
ft	Feet
L	Length
H	Height
W	Width
ROW	Right-of-Way
SP	Special Permit
Y	Yes (use allowed)

#### A. Tables of Dimensional and Density Regulations

##### Other District Lot Regulations

	Minimum Requirement		
	Minimum Lot Area (sq. ft.)	Minimum Lot Area per Unit (sq. ft.)	Minimum Lot Frontage (ft.)
MU	40,000	-----	-----
I, OS	-----	-----	-----
T	6,000	-----	60
PUD	200,000 <sup>c</sup>	-----	-----

## Other District Yard and Open Space Requirements

	Minimum Requirement		
	Front Yard (ft.)	Side Yard (ft.)	Rear Yard (ft.)
MU	(H+L)/6 <sup>A</sup>	(H+L)/6 <sup>A</sup>	(H+L)/6 <sup>A</sup>
I	10	10	10
T	25	10	20
PUD	B	B	B
OS	-----	-----	-----

<sup>A</sup> Not less than 30 feet.

<sup>B</sup> Buildings may be built to any street line provided the street exceeds 60 feet in width or the zoning on the opposite side of the street is not R2. In all other areas, buildings shall be set back one-quarter of the height of the average of principal buildings along the lot line but at least 25 feet from all front, side, and rear lot lines.

<sup>C</sup> Lots in separate ownership of less than 200,000 square feet in area shall be developed according to the dimensional, density, and use regulations of the B3 district.

## Other District Open Space and Lot Coverage

	Minimum/Maximum Requirement		
	Landscaped Open Space (Min.)	Usable Open Space (Min.)	Maximum Lot Coverage
MU	50%	15%	40%
I, OS	-----	-----	-----
T	30%	-----	-----
PUD	Sec. 5.6.2(B)	-----	-----

## All Other District Maximum Height and Floor Area Ratio

	Requirement		
	Maximum Height (ft.)	Maximum height (stories)	Maximum Floor Area Ratio (FAR)
MU	70 <sup>A,B</sup>	-----	1.00
I	65 <sup>C</sup> 39	5 <sup>C</sup> 3 <sup>C</sup>	3.00
T	35	2 1/2	0.35
PUD	85	----- <sup>D</sup>	0.80
OS	----- <sup>E</sup>	----- <sup>E</sup>	-----

## Notes:

<sup>A</sup> The maximum height in feet of any building or buildings may be modified per Section 3.4 of this Bylaw, provided that the total roof area exceeding either maximum height shall be equal to an equal roof area, within the part of the project to which the same height limit applies, that is less than the maximum height so that the total of the products of the horizontal roof area of all roofs times their respective heights shall not exceed the product of the horizontal area of the total roof times the applicable maximum height permitted in the district, and provided further that the height of any roof shall not exceed the applicable maximum height permitted in the district by more than 12 feet.

<sup>B</sup> See Section 5.3.17.

<sup>C</sup> Subject to amenity requirements in Section 5.6.2.D(7).

<sup>D</sup> In a mixed-use building, residential uses shall be limited to five stories.

<sup>E</sup> Accessory buildings in the OS district shall be located on the property so as not to detract from the primary goal of the open space use.

## B. Special Open Space Regulations for Planned Unit Developments

The minimum open space regulations for planned unit developments are as follows:

- (1) Apartment buildings – 10% landscaped, 10% usable.
- (2) Hotel/motels – 10% landscaped.
- (3) Retail stores - None required around the building if an enclosed wall or arcade is provided facing each retail store. Without an enclosed wall or arcade, a minimum landscaped area of 10% shall be required.
- (4) Office and professional buildings – 10% landscaped.

## C. Sale or Lease of Lots in a Planned Unit Development

Upon completion of Environmental Design Review under Section 3.4, individual tracts of land in the Planned Unit Development of at least 30,000 square feet may be leased or sold for development in accordance with the approved Planned Unit Development site plan without the provision of new setbacks for front, side, or rear yards. Each tract or lot so leased or sold must make provision for a principal building, off-street parking, and open space or plaza area to serve it as required in the PUD district.

## D. Development Standards. In the Industrial District, the following requirements apply to all new development or additions over 50% of the existing footprint:

### (1) Renewable Energy Installations

- The Redevelopment Board may, by special permit, allow adjustments to the height and setbacks in order to accommodate the installation of solar photovoltaic, solar thermal, living and other eco-roofs, energy storage, and air-source heat pump equipment. Such adjustments shall not create a significant detriment to abutters in terms of noise or shadow and must be appropriately integrated into the architecture of the building and the layout of the site, consistent with the other requirements of this section.
- All new commercial and mixed-use buildings shall be solar ready
- Additions over 50% of the footprint of existing buildings shall be solar ready to the extent feasible.

### (2) Yards

- Where feasible, the principal façade of the principal building on the site shall be no more than 10 feet from the front lot line.
- The use of rain gardens, bioswales, and wetlands restoration to control runoff and manage stormwater on-site within setbacks is strongly encouraged. Such systems shall be integrated with the surface water drainage systems in Section 3.4.4.E. See Section 6.1.11.F(3) for relationship to parking areas.
- Fences greater than 4 feet tall within the abutting setback to the Minuteman Bikeway shall be prohibited. See Section 5.3.7.D. for additional requirements.

### (3) Transparency and Access

- The required minimum transparency of the ground floor principal façade visible from a public right-of-way is 50% of the area measured between 2 and 8 feet in height from the level of the finished sidewalk.
- All façades visible from a public right-of-way shall be given equal treatment in terms of architectural detailing. No blank façades are permitted. Façades shall be articulated every 50 to 80 feet.
- Each building shall have a clearly defined primary entrance that faces the principal street. A corner door may be used for a building that faces two public streets.
- The primary building entry shall be connected by an accessible surface to the public sidewalk.

(4) Lighting

- All luminaires shall be consistent with the requirements of Title V, Article 14 of the Town Bylaws, unless noted below.
- All site and building lighting shall be downcast (75-degree cutoff or fully shielded). Lighting for walkways or parking lots shall be adequately spaced to create even light distribution.
- Site luminaires shall minimize overspill onto an adjacent property and glare when viewed from the public right-of-way or abutting properties.

(5) Pedestrian Amenities. All new development or additions over 50% of the existing footprint shall provide the following:

- A shade tree every 35 linear feet of lot frontage along a public right of way, and to the extent practicable, irrigated planter boxes every 15 linear feet of frontage along a public right of way;
- And one of the following; however, for lots that abut the Minuteman Bikeway, this amenity should be located within the yard adjacent to the Bikeway:
  - One (1) piece of interactive art accessible to the public;
  - One (1) artful rainwater collection system, an above ground stormwater management system that includes artistic elements to collect and divert stormwater;
  - Two (2) benches or similar permanent seating accessible to the public; or
  - Historic marker indicating important historic event or former uses on the site.

(6) Implement a temporary erosion and sedimentation control plan for all new construction activities associated with the project.

(7) Exceptions to Maximum Height Regulations in the Industrial District

For new development or additions that would otherwise be subject to Section 5.3.19, heights over 39 feet or three stories are allowed subject to the following development standards:

- Demonstrate that new buildings or additions shall allow for full sun at least half the time or 50% sun coverage all the time on March 21, June 21, September 21, and December 21 on the lots within the required residential buffer as defined in Section 5.3.19. The Redevelopment Board or Board of Appeals, as applicable,

shall find that any shadow on abutters with existing solar panels would be negligible to allow the higher height limit

- Provide one (1) of the following sustainable roof infrastructure components. In the case of a building that is solar ready per Section 5.6.2.A(1), the component should cover the remaining roof area where appropriate:
  - Install a vegetated or green roof over 50% of the roof area.
  - Use diffuse, highly reflective materials on 75% of the roof area.
  - Install solar energy panels tied to the electrical system of the building. For new commercial or mixed-use building, provide solar PV and/or solar thermal on a minimum of 50 percent of the roof area.
  - Provide 100% highly reflective concrete topping.
  - Install a blue roof over 50% of the roof area to provide initial temporary water storage and then gradual release of stored water.
- Retain and treat 100% of stormwater on site.

### 5.6.3. Use Regulations for MU, PUD, I, T, and OS Districts

Class of Use	MU	PUD	I	T	OS
<b>Residential</b>					
Single-family detached dwelling <sup>A</sup>		Y			
Two-family dwelling, duplex dwelling <sup>A</sup>		Y			
Three-family dwelling		SP			
Townhouse	SP	SP			
Apartment building	SP	SP			
Conversion to apartments, up to 18 units per acre, with no alteration to the exterior of the building					
Single-room occupancy building		SP			
Group home	Y	Y			
Hotel/Motel		SP			
Artists' Mixed Use			SP		
Assisted living residence		SP			
Dormitory					
<i>(Note: See Section 3.5 if use is for educational or religious purposes)</i>	SP	SP			
<b>Institutional, Educational</b>					
Community center, youth club, adult education center, or similar facility operated by an educational, religious, or non-profit institution <sup>B</sup>	SP	SP			
Nonprofit, members-only private club or lodge	SP	SP	SP		
Hospital	SP				
Licensed nursing home	SP	SP			
Non-exempt educational use, e.g., trade, driving, music, dancing school		Y			
Library, museum, or art gallery open to the public and not conducted as a private gainful business. <sup>B</sup>		SP			

Class of Use	MU	PUD	I	T	OS
<b>Agricultural</b>					
Sales place for flowers as a principal not accessory use, garden supplies, agricultural produce, conducted outdoors or commercial greenhouse	Y	Y			
Farm, non-exempt, or market garden provided that all goods or produce sold are grown on the premises	Y	Y	Y	Y	
Vertical Farming			SP		
<b>Public Recreational, Entertainment</b>					
Conservation land	Y	Y	Y	Y	Y
Municipal or non-profit park, playground, or similar outdoor recreation facility	Y	Y	Y	Y	Y
Municipal or non-profit fishing, tennis, swimming, skating, golf club, or other outdoor recreation club, or facility not conducted as a private gainful business	SP	SP			
Municipal or non-profit recreation building	Y	Y	Y		
Municipal or non-profit enclosed entertainment and recreation facilities	SP	SP	SP		
Fire station	Y	Y	Y		
Police station	Y	Y	Y		
Town office building	Y	Y	Y		
Municipal public works yard and associated maintenance, storage, and office facilities		SP	SP		
<b>Utility, Transportation, Communications</b>					
Bus, transit, railroad station		SP		SP	
Motor freight terminal			SP		
Essential services	SP	SP	SP		
Radio or television studio or receiving facility; without wireless transmitting facilities	SP	Y	Y		
Municipal or other public parking area or structure	SP	SP	SP	SP	
Commercial parking or vehicle storage facility, with no repairs, services or sale of gasoline		SP		SP	
Residential surface parking lot serving residential uses in another district provided that:					
• Lot used for parking abuts the residential property it serves for at least 50 ft.; and	SP		SP		
• Both lots are under common ownership; and					
• Lot complies with the screening provisions of Section 6.1.					
Bikeway				Y	
<b>Wireless Communication Facility</b>					
In a Town building; wireless facility shall not extend more than 15 feet or 25% of building height, whichever is less, above the highest point of the building			SP		
In building other than Town building; wireless facility shall not extend more than 15 feet or 25% of building height, whichever is less, above the highest point of the building	SP	SP	SP		
Located on a public utility pole; no part of wireless facility shall extend more than 40 feet above ground or have a total volume over 2 cubic feet	Y	Y	Y	Y	
Ground Mounted Solar Photovoltaic Installation			Y		

Class of Use	MU	PUD	I	T	OS
<b>Commercial &amp; Storage Uses</b>					
Motor vehicle sales and rental, sale of auto parts, accessory storage in enclosed structure, provided neighborhood is protected from noise, fumes, gases, smoke and vapor		SP		SP	
Outdoor sales and storage of undamaged, operable automobiles	SP		Y		
Auto repair shop, with no open storage of abandoned vehicles, body work or auto painting	SP		SP		
Car wash facility	SP		SP		
Auto service station	SP				
Self-service storage facility			SP		
<b>Personal, Consumer, and Business Services</b>					
Copy center or print shop for sheet-fed printing	Y		Y		
Bank, other financial service; <2,000 sq. ft.		Y			
2,000 sq. ft. or more, or any drive-up banking service	SP				
Personal service establishment	Y				
Hand laundry, dry cleaning, or tailor with more than 5 employees on site at the same time		Y			
Consumer service establishment	Y		Y		
Funeral Home		Y			
Veterinary and animal care; accessory overnight boarding only for veterinary/medical care in an enclosed building		Y			
<b>Eating &amp; Drinking Establishments</b>					
Restaurant					
< 2,000 sq. ft. gross floor area	SP	Y	Y		
=> 2,000 sq. ft., and any restaurant that is principal use on lot of 10,000 sq. ft. or more	SP	SP	SP		
Restaurant, Fast-Order Food					
< 1,500 sq. ft.		Y			
=> 1,500 sq. ft., and any restaurant that is principal use on lot of 10,000 sq. ft. or more		SP			
Catering service	SP		Y		
<b>Retail</b>					
Retail, general, >3,000 sq. ft. of gross floor area	SP		SP		
Retail, local; <3,000 sq. ft. or gross floor area	Y		Y		
Manufacture, assembly, packaging of goods where at least 50% of goods are sold at retail primarily on the premises					
<1,000 sq. ft.		Y	Y		
=>1,000 sq. ft.	SP		SP		
Marijuana Delivery-Only Retailer <sup>4</sup>		SP			
Marijuana Retailer		SP			
<b>Office Uses</b>					
Including but not limited to professional, business, or medical or dental offices					
• Less than 3,000 sq. ft. gross floor area per building	SP	Y			
• 3,000 sq. ft. or more gross floor area per building	SP		SP		

<sup>4</sup> See Section 2 definition of "Marijuana delivery-only retailer" for further information.

Class of Use	MU	PUD	I	T	OS
<b>Office Uses</b>					
<ul style="list-style-type: none"> <li>Office, display or sales space providing not more than 25% of floor space is used for assembling, packaging and storing commodities</li> </ul>					
			Y		
<ul style="list-style-type: none"> <li>In an existing building originally designed for single- or two- family residential use, if the building retains its residential appearance and is on a street with ROW width less than 50 ft.</li> </ul>	SP	SP	SP		
<ul style="list-style-type: none"> <li>Less than 5,000 sq. ft. gross floor area per building</li> </ul>			Y		
<ul style="list-style-type: none"> <li>5,000 sq. ft. or more gross floor area per building</li> </ul>			SP		
<ul style="list-style-type: none"> <li>Office, display or sales space percentage of space used for office, assembling, packaging and storing commodities is flexible.</li> </ul>			Y		
<b>Co-working Space</b>					
<ul style="list-style-type: none"> <li>Less than 5,000 sq. ft. gross floor area per building</li> </ul>			Y		
<ul style="list-style-type: none"> <li>5,000 sq. ft. or more gross floor area per building</li> </ul>			SP		
<b>Wholesale Business &amp; Storage</b>					
Wholesale business in enclosed facility			Y		
Office, display or sales space of a wholesale, jobbing, or distributing establishment provided that no more than 25% of floor space is used for assembling, packaging and storing of commodities			Y		
Office, display or sales of a wholesale, jobbing, or distributing establishment, percentage of space used for office, assembling, packaging, and storing commodities is flexible			Y		
Wholesale storage and sale of flammable liquid, or wholesale business conducting at least half of the business at retail on the premises			SP		
Storage of vehicles			SP		
Storage of fluid (other than water)			SP		
Open storage of raw materials, finished goods, or equipment			SP		
<b>Commercial Entertainment, Amusement, Assembly Uses</b>					
Enclosed entertainment and recreation facilities not conducted as a private for-profit business	SP	SP	SP		
Enclosed entertainment and recreation facilities conducted for profit	SP	SP	SP		
Indoor Motion Picture Theater			SP		
<b>Research, Laboratory, Related Uses</b>					
Offices with data processing facilities or laboratories and testing facilities, which may include minor assembly or fabrication activities limited to 25% of the floor area.		SP			
Offices with data processing facilities or laboratories and testing facilities, which may include minor assembly or fabrication activities			SP		
Research and development establishment	SP		Y		
Marijuana Research and Testing Facility			SP		
<b>Light Industry</b>					
Laundry or dry cleaning plant			Y		
Printing, binding, engraving plant			Y		
Industrial services such as machine shop, plumbing, electrical or carpentry shop or similar service			Y		

Class of Use	MU	PUD	I	T	OS
<b>Light Industry</b>					
Contractor's yard			Y		
Stone cutting, shaping, finishing in enclosed facility			Y		
Auto body shop; all work carried out inside the building			SP		
Truck service and repair			SP		
Light manufacturing provided dust, flashing, fumes, gases, odors, refuse matter, smoke, and vapor in enclosed facility or disposed of properly and provided no noise or vibration is perceptible without instruments at a distance greater than 50 feet			SP		
Marijuana Production Facility			SP		
Brewery, distillery, winery			SP		
Flex space			SP		
Food production			SP		
<b>Other Principal Uses</b>					
Medical Marijuana Treatment Center			SP		
Artisanal fabrication	SP	SP	Y		
Work-only Artist Studio			Y		
Maker Space			Y		
Artistic/creative production	SP	SP	Y		
Mixed-use	SP	SP	SP <sup>D</sup>		
<b>Accessory Uses</b>					
Renting of up to three rooms			Y		
Accessory private garage for noncommercial motor vehicles	Y	Y	Y		
Accessory storage of a recreational trailer or vehicle, registered automobile or boat, or utility trailer, not in the front yard		Y	Y		
Accessory structure not used as part of business	Y	Y	Y		
Home occupation	Y <sup>C</sup>	Y	Y		
Family child care	SP	Y			
Physician's or Clergy's office within a residence with up to 1 nonresident employee	Y	SP	Y		
Accessory retail, office, or consumer service use in an apartment building over 20,000 sq. ft. in gross floor area, provided: all activities located on first floor or basement floor levels, such uses shall not occupy more than 2,000 sq. ft.; all materials, goods, and activities in connection with said uses shall be confined completely within the building	Y	Y	Y		
Accessory personal services for occupants or employees of hotel, office, or industrial use; access limited to within the building	Y	Y	Y		
Accessory off-street parking and loading spaces conforming to the provisions of Section 6.1	Y	Y	Y		SP
The storage or keeping of not more than one commercial vehicle:					
• In a private garage accessory to a dwelling if owned or used by a person residing in dwelling	Y	Y	Y		
• Open air parking or storage accessory to a dwelling if owned or used by a person residing in such dwelling		Y	Y		

Class of Use	MU	PUD	I	T	OS
<b>Accessory Uses</b>					
• Parking of not more than 4 commercially-owned shared vehicles	Y	Y	Y		
• Parking of not more than 4 commercially-owned shared vehicles, located on land under the jurisdiction of the Town		Y	Y		
Outdoor storage of not more than 3 vehicles damaged or inoperative due to collision			SP		
Temporary food or beverage concession for <u>or not for profit at an event</u>		Y	Y		<u>SPY</u>
Fundraising event conducted by an Arlington based non-profit organization, with no automated amusements	Y	Y	Y		<u>SPY</u>
<u>Temporary outdoor recreation, for or not for profit</u>					<u>Y</u>
<u>Temporary cultural arts and/or entertainment activity for or not for profit</u>					<u>Y</u>
Other accessory use customarily incidental to primary use	SP	SP	SP		SP
Activities accessory to a permitted use that are necessary in connection with scientific research	SP	SP			
Up to three dwelling units in a building containing a business or service use	SP				
Fraternal, civic, entertainment, professional, or health or similar clubs or organizations as an accessory use	SP	Y			
Catering service	Y	Y			
Tasting, accessory to a commercial brewery, winery, distillery		Y			
<b>Notes</b>					
^ Six or more units on one or more contiguous lots requires a special permit.					
^ But permitted by right if accessory to a use exempt under <u>G.L. c. 40A, § 3</u> . See Section 3.5.					
^ If customers or pupils do not come to the house for business or instruction.					
^ Mixed use in Industrial Zones may include residential uses (as allowed by Section 5.6.4.A), subject to the requirements of Section 5.6.4.H.					

#### 5.6.4 Uses in the Industrial Districts

- A. Artists' Mixed-Use. Any portion of a building devoted to such use shall be subject to the following conditions:
  - (1) Occupied by persons certified as artists pursuant to the Arlington Commission for Arts and Culture (ACAC) Artist Certification Process,
  - (2) Designed in accordance with ACAC standards and guidelines for artists' mixed-use space, and
  - (3) Subject to an agreement for artists' housing as part of the conditions of a special permit granted by the Redevelopment Board or Board of Appeals, as applicable.
- B. Co-working Space. Rules for membership and participation in the co-working space shall be explicit, transparent, and available to the public. Co-working spaces may host classes or networking events which are open either to the public or to current and prospective members.

- C. Maker Space. Maker Spaces may host classes or networking events which are open to the public. Maker Spaces may also include a membership component.
- D. Brewery, distillery, and winery, including functional equivalents. Tap room hours of operation open to the public shall not represent disturbance to adjacent residential uses and such hours must follow the Commonwealth of Massachusetts requirements for licensing and operations.
- E. Flex Space. The firm using the Flex Space must meet the following criteria:
  - (1) All of the uses on the site must be specifically allowed as principal uses within the Arlington Industrial Zone.
  - (2) Changes in products, services, and square footage of uses will not require further approval for use if the Building Inspector determines the uses and property are otherwise in conformance with the Bylaws.
  - (3) The floor area of each use is unrestricted except for uses where a limitation on size or density is present. In this case, the floor area of such use shall be at or below the given limitation.
- F. Food production facility. Food and beverage facilities shall:
  - (1) Properly store equipment and remove litter and waste within the immediate vicinity of the plant buildings or structures as to avoid becoming a breeding place, or harborage for pests.
  - (2) Constantly check for pests and pest infestation
  - (3) Locate and operate fans and other air-blowing equipment in a manner that minimizes noise levels and the potential for contaminating the building and its surroundings to avoid health hazards to the public.
  - (4) Not locate vents on the façade adjacent to sidewalks or the Minuteman Bikeway to avoid exposure to the public.
- G. Vertical Farming. This use shall be approved by a special permit from the Redevelopment Board or Board of Appeals, as applicable. to make sure operations such as lighting, gases, humidity, and temperature do not affect the surrounding microclimate and the well-being of adjacent uses.
- H. Mixed-Use Building in the Industrial District. Mixed-use development may be integrated vertically, within a single building, or horizontally, in multiple buildings on the same site. The ground floor use of the principal building on the site must be industrial or commercial. Further, residential uses may be a component of a mixed-use development and are limited to no more than the gross floor area of the principal ground floor Light Industrial use (subject to § 5.6.4(A)). The Redevelopment Board may allow an increase of residential floor area to no more than twice the gross floor area of the principal ground floor Light Industrial use upon a finding of financial infeasibility.

## 5.7 FLOODPLAIN DISTRICT

### 5.7.1. Purpose

The purpose of Section 5.7 is to:

- A. Protect the health and safety of the occupants of lands subject to seasonal or periodic flooding in the Mill Brook, Alewife Brook, Mystic River, and Mystic Lakes floodplain, as shown on the zoning overlay map of the Town of Arlington.
- B. Prevent the reduction of the water-carrying capacity of streams, brooks, rivers, and drainage courses by prohibiting the destruction or alteration of their natural character, and by preventing encroachment by future development, both public and private, in the floodway. A floodway includes the normal channel of a river or stream and those portions of the floodplains adjoining the normal channel which are reasonably required to carry off the flood flow.
- C. Preserve the natural flood control characteristics and the water storage capacity of the floodplain.
- D. Protect the public from hazard and loss through the regulation of future development of lands adjoining such watercourses.
- E. Protect the safety and purity of water; control and containment of sewage; safety of gas, electric, fuel, telecommunications, and other utilities from breaking, leaking, short-circuiting, grounding, igniting, electrocuting or any other dangers due to flooding.

### 5.7.2. Boundaries

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Arlington designated a Zone A, AE and X on the Middlesex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program (NDIP). The map panels of the Middlesex County FIRM that are wholly or partially within the Town of Arlington include the following panel numbers: 25017C0412E, 25017C0416E, 25017C0419E, dated June 4, 2010 (Scale 1"=500'). The exact boundaries of the District may be defined by the 1% annual (100 year flood) base flood elevations shown on the FIRM and further defined by the Middlesex County Floor Insurance Study (FIS) report dated June 4, 2010. Said boundary, so determined, shall be presumed accurate. This presumption may be overcome by credible evidence from a registered professional engineer or other professional competent in such matters. The FIRM and FIS report are incorporated herein by reference and are on file with the Department of Planning and Community Development and Conservation Commission.

### 5.7.3. Applicability

- A. Any proposed use, structure, development, filling, grading, or excavation within the Floodplain District shall be governed by all regulations of this Section 5.7, [G.L. c. 131, § 40](#), Town of Arlington Bylaw for Wetlands Protection ([Title V, Article 8](#)) and the Town's Wetland Protection Regulations (Regulations) promulgated thereunder, Department of Environmental Protection (DEP) [310 CMR 10.00](#), Inland Wetlands Restriction (DEP) [310 CMR 13.00](#), and the section of the State Building Code that

addresses floodplain areas, and shall require a building permit. The extent of the Floodplain District shall be determined by the Conservation Commission.

B. The phrase, "Board of Appeals or Arlington Redevelopment Board, as applicable", shall mean "subject to a special permit from the Board of Appeals or approval from the Arlington Redevelopment Board in the case of activity subject to Section 3.4, Environmental Design Review".

#### 5.7.4. Setback from Open Stream

A building or structure, except for a retaining wall, fence, or bridge, may be set back less than 15 feet by special permit from the Board of Appeals, following consultation with the Arlington Conservation Commission.

#### 5.7.5. Use Regulations

A. Prohibited Uses. No construction, development, or filling shall be permitted in the regulatory floodway as defined in the Middlesex County FIRMS.

B. Permitted Uses. The following uses are permitted in the Floodplain District:

- (1) The following outdoor uses shall be permitted as of right provided no buildings or structures are erected:
  - Sales place for flowers as a principal use, garden supplies, agricultural produce, conducted partly or wholly outdoors, commercial greenhouse or garden
  - Farm (except the raising of livestock or poultry, if the farm is on less than five acres of land) or market garden but, unless otherwise exempt under state law, in no case, shall goods or produce be sold that are not the natural products of the premises in question
  - Park, playground, or other outdoor recreational facility not conducted as a private business
  - Country, fishing, tennis, swimming, skating, golf club or other outdoor recreation facility not conducted as a private business
  - Wildlife management areas
  - Foot, bicycle, or horse paths
- (2) For single-family detached dwellings, two-family dwellings, or duplex dwellings existing on the effective date of this Section is advertised (August 28, 1975), the expansion of these (or their accessory) uses to a maximum of 15% of the lot coverage existing when this section is enacted, provided that such expansions conform to this Section 5 and do not constitute substantial improvement of a structure. Substantial improvement means any repair, reconstruction, or improvement of a structure, the cost of which exceeds 50% of the actual cash value of the structure either (a) before the improvement is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. Structures erected or expanded under this Section 5.7 shall use construction materials and utility equipment that are resistant to flood damage, and construction methods and practices that will minimize flood damage.

C. Special Permit. No earth or other material may be dumped, filled, excavated, or transferred, unless all of the following conditions are found as part of a special permit from the Board of Appeals or Arlington Redevelopment Board, as applicable.

- (1) The proposed use, including filling or excavating, when combined with all existing uses, will not increase the water surface in the 1% base flood elevation.
- (2) The proposed use shall comply with the most stringent of the following regulations as amended in Massachusetts Wetlands Protection Regulations, Department of Environmental Protection (DEP), [310 CMR 10.00](#) and Inland Wetlands Restriction (DEP) [310 CMR 13.00](#) and in the Town of Arlington Bylaw for Wetlands Protection ([Title V, Article 8](#)) and the Wetland Protection Regulations (Regulations) promulgated thereunder.
- (3) Base Flood Elevation Data is required for proposals or other developments greater than 50 lots or five acres, whichever is the lesser, within A Zones where the base flood elevation has not been established.

The provisions of this subsection shall not apply to the reconstruction or repair of a structure unless it constitutes substantial improvements existing prior to August 28, 1975 after a fire or other casualty. However, major repairs shall use construction materials and utility equipment that are resistant to flood damage and construction methods and practices that will minimize flood damage.

- (4) In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

#### 5.7.6. Procedures

- A. The application for a special permit shall be filed in accordance with Section 3.
- B. The Board shall hold a public hearing in accordance with Section 3.3 of this Bylaw and [G.L. c. 40A, §§ 9](#) and [11](#).

#### 5.7.7. Areas, Open Space, and Yard Regulations

The portion of any lot within the Floodplain District may be used to meet the lot area, open space and yard requirements for the district in which the remainder of the lot is situated.

#### 5.7.8. Exemptions

- A. Where a proposed use is determined to fall within the limits of the Floodplain District and the applicant determines that the location is not included in the definition of the Floodplain District, said use may be exempt by the Board of Appeals or Arlington Redevelopment Board, as applicable, from the provisions of this section if the applicant provides sufficient evidence for the applicable Board to determine that the land in question should not be subject to the provisions of this Section.
- B. If it is determined that an area of significant size should no longer be included within the Floodplain District due to a natural or man-made event which has altered the

boundary, the floodline determining the boundaries of the Floodplain District may be changed with approval from Town Meeting provided the new floodline to be adopted has been established in accordance with accepted engineering practice and certified by a registered professional engineer.

## 5.8 INLAND WETLAND DISTRICT

### 5.8.1. Purpose

The purpose of Section 5.8 is to:

- A. Preserve and protect the streams, water bodies, and other watercourses, including wetlands, in the Town of Arlington.
- B. Protect the health and safety of persons and property against the hazards of flooding and contamination.
- C. Preserve and maintain the groundwater table for potential water supply purposes.
- D. Protect the community against the detrimental use and development of lands adjoining such watercourses.
- E. Conserve the watershed areas in Arlington for the health, safety, and welfare of the public.

### 5.8.2. Definition

The Inland Wetland District is superimposed over any other district established by this Bylaw and includes the following areas:

- A. All lands within the elevations shown on the Wetland and Floodplain Overlay Map of the Zoning Map and designated as wetlands as defined by the Massachusetts Wetlands Protection Act, [G.L. c.131 §40](#), and the implementing regulations, [310 CMR 10.00](#), as well as the Town of Arlington Bylaw for Wetlands Protection ([Title V, Article 8](#)), and the Wetland Protection Regulations (Regulations) promulgated thereunder. These include lakes, ponds and swamps.
- B. All land area along all perennial rivers, brooks, and streams as defined by the Massachusetts Wetlands Protection Act, [G.L. c.131 §40](#), and the implementing regulations, [310 CMR 10.00](#), as well as the Town of Arlington Bylaw for Wetlands Protection ([Title V, Article 8](#)), and the Wetland Protection Regulations (Regulations) promulgated thereunder for a horizontal distance of 200 feet from the center line thereof are included in the Inland Wetland District.
- C. All lands designated on the zoning map as having a shallow depth to water table. These lands are the poorly and very poorly drained mineral soils, and very poorly drained soils formed in organic deposits. Poorly drained mineral soils have a water table at or near the surface for at least 7 to 9 months during the year. The water table remains at or close to the surface of very poorly drained mineral and organic soils throughout most of the year.

### 5.8.3. **Applicability**

Any proposed use to be located within the limits of the Inland Wetland District as determined by the Building Inspector under Section 3.1 of this Bylaw shall be governed by all regulations of this Section as well as all other applicable provisions of this Bylaw.

### 5.8.4. **Permitted Uses**

Municipal use, such as waterworks, pumping stations, and parks, is permitted under this section. Land in the Inland Wetland District may be used for any purpose otherwise permitted in the underlying district except that:

- A. No structure intended for human occupancy or use on a permanent basis having water and sewerage facilities and no other building, wall, dam or structure (except flagpoles, signs, and the like) intended for permanent use shall be erected, constructed, altered, enlarged, or otherwise created or moved for any purpose unless a Special Permit from the Board of Appeals or, in cases subject to Environmental Design Review, a Special Permit from the Arlington Redevelopment Board, is issued. However, a structure existing at the time this Bylaw becomes effective may be reconstructed or repaired after a fire or other casualty, as provided in Section 8.1.8 of this Bylaw.
- B. Dumping, filling, excavating, or transferring of any earth material within the district is prohibited unless a Special Permit from the Board of Appeals or, in cases subject to Environmental Design Review, a Special Permit from the Arlington Redevelopment Board, is issued. However, this paragraph does not prohibit ordinary gardening activities in lawn or garden areas which are used for such purposes at the time this Bylaw became effective.
- C. No ponds or pools shall be created or other changes in watercourses, for swimming, fishing, or other recreational uses, agricultural uses, scenic features, or drainage improvements or any other uses unless a Special Permit from the Board of Appeals or, in cases subject to Environmental Design Review, a Special Permit from the Arlington Redevelopment Board, is issued.

### 5.8.5. **Procedures**

Applications for a special permit shall be filed in accordance with the rules and regulations of the Special Permit Granting Authority and [G.L. c. 40A](#), as outlined in Section 3. Such conditions shall include, where applicable, approval by the Board of Appeals, Arlington Redevelopment Board, Conservation Commission, the Massachusetts Department of Environmental Protection, and/or the Massachusetts Department of Transportation under [Chapter 131 of the General Laws](#), acts relating to the protection of the inland wetlands of the Commonwealth.

### 5.8.6. **Development Conditions**

- A. For the development of land within the Inland Wetland District, the following conditions shall apply:
  - (1) A minimum of six test borings to a minimum depth of eight (8) feet shall be taken; three of which shall be within the area of the proposed structure and three within 25 feet of the outside walls of the structure, but not closer than 10

feet. A report by a soil scientist or qualified engineer shall accompany the test data.

- (2) The floor level of areas to be occupied by human beings as living or work space shall be four (4) feet above the seasonal high water table and not subject to periodic flooding.
- (3) If the basement floor level is below the seasonal high water table and affords the possibility of human occupancy at some future date, although not originally intended, adequate perimeter drainage and foundation shall be installed to withstand the effect of pressure and seepage. Furnace and utilities are to be protected from the effects of leaching.
- (4) Safe and adequate means of vehicular and pedestrian passage shall be provided in the event of flooding of the lot(s) or adjacent lot(s) caused by either the overspill from water bodies or high runoff.

B. The developer shall show that the proposed development will not endanger health and safety, including safety of gas, electricity, fuel, and other utilities from breaking, leaking, short-circuiting, grounding, igniting or electrocuting; shall not obstruct or divert flood flow; substantially reduce natural floodwater storage capacity; destroy valuable habitat for wildlife; adversely affect groundwater resources or increase storm water run-off velocity so that water levels on other land are substantially raised or the danger from flooding increased.

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## 5.9 SUPPLEMENTAL REGULATIONS FOR PERMITTED USES

### 5.9.1. Home Occupation

A. In any Residential District, a home occupation is permitted if all the following conditions are met:

- (1) No nonresident shall be employed therein.
- (2) Not more than 25% of the existing gross floor area of the dwelling unit in the principal building, not to exceed 600 square feet, is devoted to the home occupation, and no stock in trade, commodities, or products shall occupy space beyond these limits.
- (3) There shall be no display of goods or wares visible from the street.
- (4) All advertising devices visible from off the lot are specifically prohibited.
- (5) The buildings or premises occupied shall not have a detrimental impact on the neighborhood due to exterior appearance, emission of odor, gas, smoke, dust, noise, electrical disturbance, or in any other way. In a structure containing more than one dwelling unit, the use shall not become objectionable or detrimental to any residential use within the structure.
- (6) Any such building shall include no feature of design not customary in buildings for residential use.

B. Where permitted or allowed by special permit in the use regulations, a physician may operate an office from the physician's residence with up to one nonresident employee.

#### 5.9.2. Accessory Dwelling Units

A. Purpose. The purpose of this Section 5.9.2 includes:

- (1) Promoting the use of accessory dwelling units as a means of providing Arlington property owners with an opportunity to age in place, to create independent living space for elderly, disabled or other family or household members, to downsize or to earn supplemental income from investing in their properties.
- (2) Helping Arlington residents to conserve and grow their own property values.
- (3) Encouraging housing for persons of all income levels and ages.
- (4) Encouraging an orderly expansion of the tax base without detracting from the existing character of the affected neighborhoods.

B. Requirements

- (1) In any Residential District or Business District, an accessory dwelling unit is permitted as an accessory use to any single-family dwelling, two-family dwelling, or duplex dwelling, if all of the following conditions are met:
  - An accessory dwelling unit shall be not larger in floor area than one-half the floor area of the principal dwelling or 900 square feet, whichever is smaller. For the avoidance of doubt, where an accessory dwelling unit is created by converting a portion of an existing principal dwelling to an accessory dwelling unit, the floor area of the resulting accessory dwelling unit shall be measured relative to the floor area of the resulting principal dwelling (as affected by or in connection with the conversion).
  - Any alteration causing an expansion of or addition to a building in connection with an accessory dwelling unit shall be subject to the provisions of Section 5.4.2.B(6) if and to extent section 5.4.2.B(6) is otherwise applicable to such alteration or addition.
  - An accessory dwelling unit shall maintain a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling, sufficient to meet the requirements of the State Building Code for safe egress.
  - No more than one (1) accessory dwelling unit is allowed per principal dwelling unit.
  - An accessory dwelling unit may be located in (i) the same building as the principal dwelling unit or as an expansion to such building; (ii) a building that is attached to the principal dwelling unit; or (iii) an accessory building, which accessory building shall not constitute a principal or main building by the incorporation of the accessory dwelling unit, provided that if such accessory building is located within 6 feet of a lot line then such accessory dwelling unit shall be allowed only if the Board of Appeals, acting pursuant to Section 3.3, grants a special permit upon its finding that

the creation of such accessory dwelling unit is not substantially more detrimental to the neighborhood than the use of such accessory building as a private garage or other allowed use.

- An accessory dwelling unit shall not be used as a short-term rental, in accordance with Title V, Article 18, Section 3 of the By-Laws of the Town of Arlington.
- An accessory dwelling unit shall be subject to all applicable requirements of the State Building Code and State Fire Code (including any such requirements, if and as applicable, which prohibit openings, including windows, in exterior walls of dwellings located within a certain distance from the property line).

- (2) The creation or addition of an accessory dwelling unit shall not change the zoning classification of the property in question and shall not affect any zoning relief previously obtained for such property. By way of example only (and without limitation), a single-family dwelling having an accessory dwelling unit shall continue to be classified as a single-family dwelling for single-family use under the Zoning Bylaw; a two-family dwelling having an accessory dwelling unit shall continue to be classified as a two-family dwelling for two-family use under the Zoning Bylaw; and a duplex having an accessory dwelling unit shall continue to be classified as a duplex dwelling for duplex use under the Zoning Bylaw.
- (3) No off-street parking spaces are required in connection with the creation or addition of an accessory dwelling unit.
- (4) An accessory dwelling unit shall not be owned separately from the principal dwelling unit with which such accessory dwelling unit is associated.

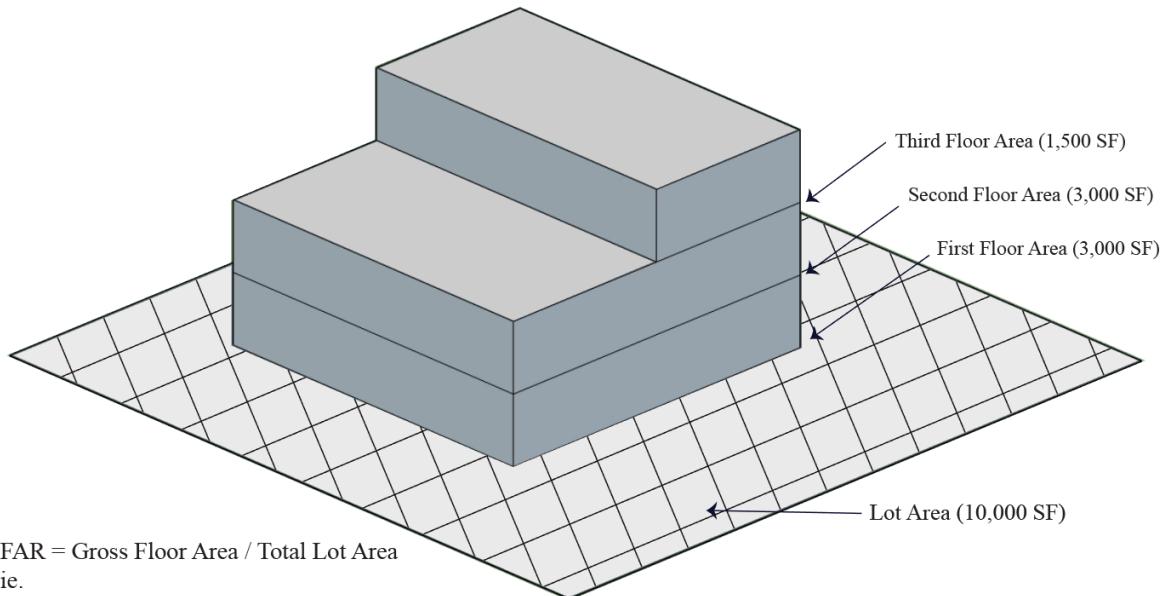
### C. Administration

- (1) Prior to the issuance of a building permit for an accessory dwelling unit, the owner must deliver an affidavit to the building inspector stating that the owner or a family member of the owner will reside in either the principal dwelling unit or the accessory dwelling unit upon completion of the accessory dwelling unit.
- (2) The creation or addition of an accessory dwelling unit to a principal dwelling unit shall not be subject to the foregoing paragraph 5.9.2.C(1) if the principal dwelling unit and accessory dwelling unit are owned by a non-profit or governmental entity and the accessory dwelling unit is restricted as an affordable unit.
- (3) This Section 5.9.2 shall be effective as of the date on which it is enacted at Town Meeting in accordance with applicable law, except for clause (iii) of Section 5.9.2.B.(1), fifth bullet, which clause (iii) shall be effective as of the date occurring six (6) months after the date on which this Section 5.9.2 is enacted at Town Meeting.
- (4) In the event of any conflict or inconsistency between the provisions of this Section 5.9.2 or Section 8.1.3.E, on the one hand, and any other provisions of

this Bylaw, the provisions of this Section 5.9.2 and Section 8.1.3.E shall govern and control.

## Floor Area Ratio

(See Section 5.3.5)



FAR = Gross Floor Area / Total Lot Area  
ie.

$$\text{FAR} = (3,000 + 3,000 + 1,500) / 10,000$$

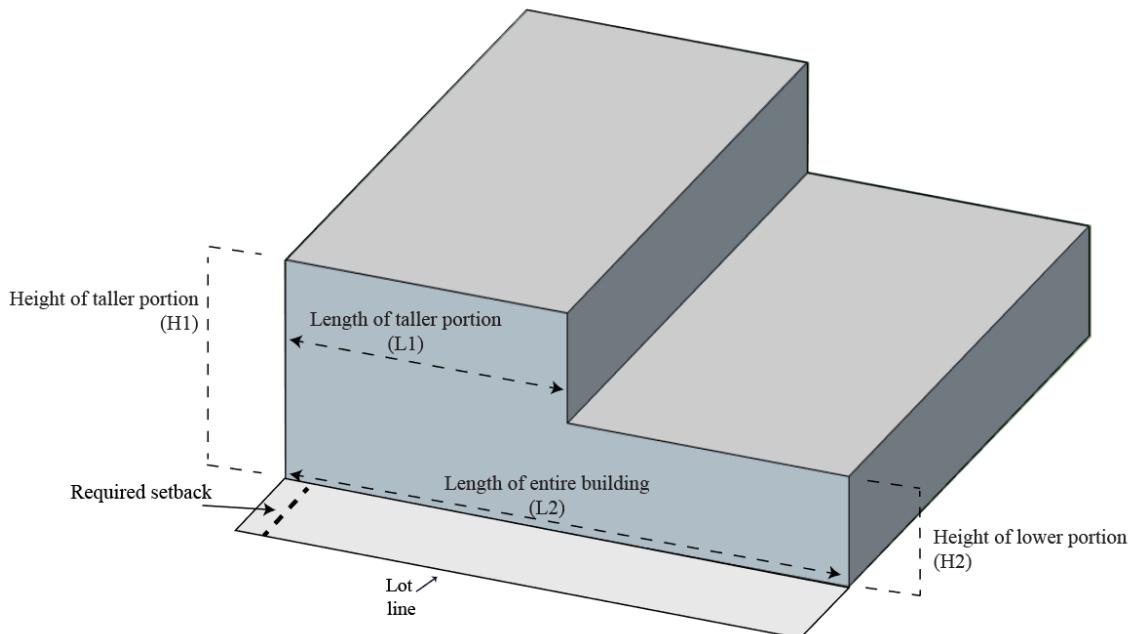
$$\text{FAR} = 7,500 / 10,000$$

$$\text{FAR} = 0.75$$

This diagram is included for illustrative purposes only. It is not part of the Arlington Zoning Bylaw.

## Setback Requirements for Buildings of Uneven Height or Alignment

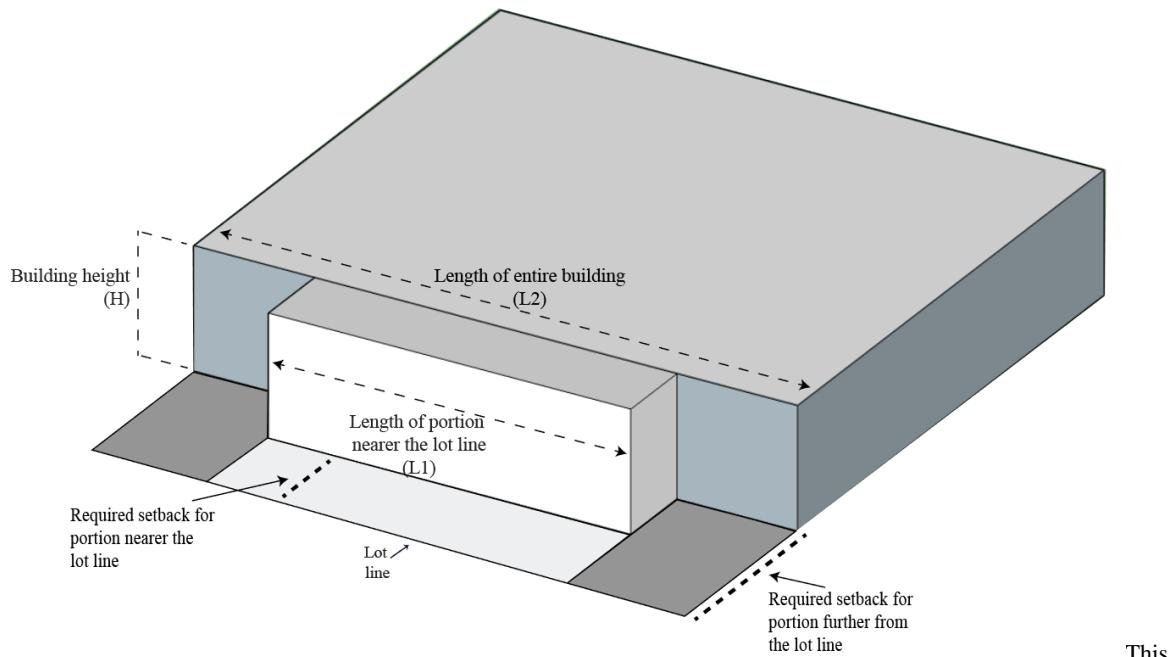
(See Section 5.3.15(A))



This diagram is included for illustrative purposes only. It is not part of the Arlington Zoning Bylaw.

## Setback Requirements for Buildings of Multiple Alignments

(See Section 5.3.15(B))



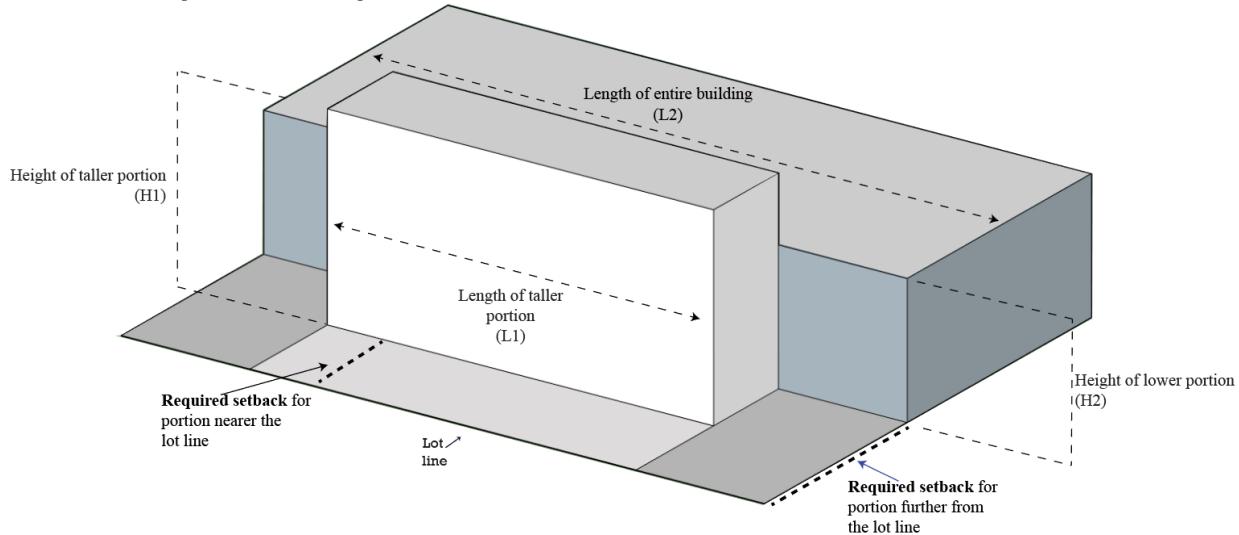
This diagram is included for illustrative purposes only. It is not part of the Arlington Zoning Bylaw.

This

## Setback Requirements for Buildings of Multiple Alignments and Heights

(See Section 5.3.15(C))

*Example 1: Where the taller portion is nearer the lot line*

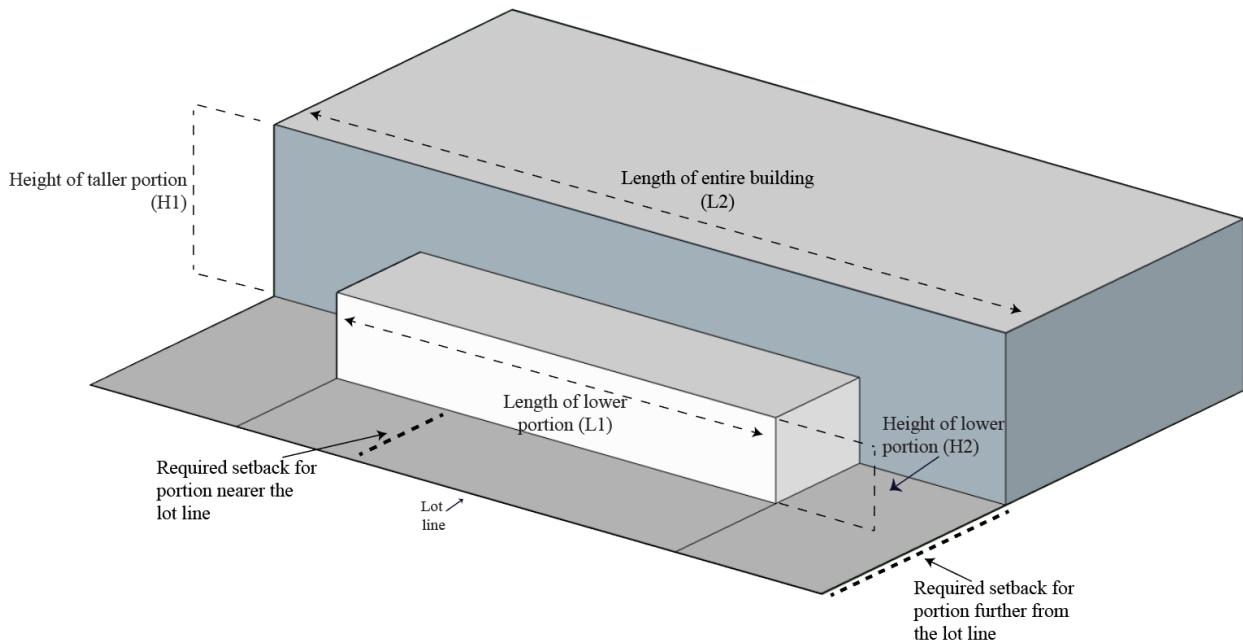


This diagram is included for illustrative purposes only. It is not part of the Arlington Zoning Bylaw.

## Setback Requirements for Buildings of Multiple Alignments and Heights

(See Section 5.3.15(D))

*Example 2: Where the shorter portion is nearer the lot line*



This diagram is included for illustrative purposes only. It is not part of the Arlington Zoning Bylaw.



## SECTION 6. SITE DEVELOPMENT STANDARDS

### 6.1 OFF-STREET PARKING

#### 6.1.1. Purposes

The purposes of this Section 6.1 are to:

- A. Provide for safe and convenient vehicular parking areas and delivery areas;
- B. Promote safety for pedestrians, bicyclists, motor vehicle occupants, and property and business owners;
- C. Promote off-street parking in the Residence Districts in a manner that preserves, to the extent possible, landscaped front yards by allowing the use of a front yard for off-street parking only under exceptional circumstances.

#### 6.1.2. Applicability

No land, building, or structure shall be used or changed to a category of greater parking demand, determined in accordance with the Table of Off-Street Parking Regulations below, except in accordance with this Section 6.1.

#### 6.1.3. Administration

- A. This Section 6.1 shall be administered by the Building Inspector for a use or activity that requires neither a special permit from the Board of Appeals nor Environmental Design Review by the Arlington Redevelopment Board. Where the phrase, “Board of Appeals or Arlington Redevelopment Board, as applicable,” appears in this Section 6.1, it shall mean “subject to a special permit from the Board of Appeals or approval from the Arlington Redevelopment Board in the case of activity subject to Section 3.4, Environmental Design Review”.
- B. After the effective date of this Bylaw, off-street parking space shall be provided for every new structure, the enlargement of an existing structure, the development of a new land use, or any change in an existing use in accordance with the Table of Off-Street Parking Regulations, and the other requirements contained in this Section 6.1.

#### 6.1.4. Table of Off-Street Parking Requirements

The minimum number of off-street parking and loading spaces shall be as set forth in the following table. Off-street parking requirements for a use not specifically listed below shall be as determined by the Building Inspector based on a listed use of similar characteristics of parking demand generation.

Use	Minimum Number of Spaces
<b>Residential Uses</b>	
Single-, two-, or three-family dwelling, or apartment building, except for public housing for the elderly	1 space per dwelling unit
Apartment building Public housing for the elderly	1 space per efficiency dwelling unit; 1.15 space per 1-bedroom dwelling unit, 1.5 spaces per 2-bedroom dwelling unit, and 2 spaces per 3 or more bedroom dwelling unit, and 1 space per 5 units of public housing for the elderly.
Assisted living residence	0.4 spaces per dwelling unit
Single-room occupancy building	1 per unit Any bedroom or group of 2 beds in a single room
Group home	2 spaces per 4 residential rooms
<b>Business or Industrial Use</b>	
Auto sales, similar retail and service establishments with extensive display areas that are unusually extensive in relation to customer traffic	1 space per 1,000 sq. ft. of gross floor area For outdoor display areas, 1 space per 1,000 sq. ft. of lot area used for these purposes
Hotel/motel	1 space per sleeping room, plus 1 space per 400 sq. ft. of public meeting area or restaurant space
Other retail or service use	1 space per 300 sq. ft. of gross floor area
Office, business or professional	1 space per 500 sq. ft. of gross floor area
Wholesale business and storage	1 space per 1,000 sq. ft. of gross floor area
Manufacturing, Light	1 space per 1,000 sq. ft. of gross floor area or 0.75 spaces per employee of the combined employment of the two largest successive shifts, whichever is greater
Office, medical or clinic	4 spaces per physician, dentist, practitioner
<b>Institutional, Educational Use</b>	
Hospital	2.25 spaces per bed of design capacity
Nursing home	1 space per 4 beds of design capacity
Non-exempt educational use	1 space per 200 sq. ft. of gross floor area in classrooms and other teaching stations, plus spaces for gymnasium or auditorium, whichever has the larger capacity, as specified in this table
Other school	2 spaces per classroom in elementary and middle school or junior high school facility; 4 spaces per classroom for a high school, plus spaces for gymnasium or auditorium, whichever has the larger capacity, as specified in this table
<b>Public, Recreational or Entertainment</b>	
Municipal facility	1 space per 3 employees on the largest shift
Indoor Motion Picture Theater, restaurant, gymnasium, auditorium or similar place of public assembly with seating facilities	1 space per 4 seats of total seating capacity. Seasonal outdoor seating for restaurants shall not count toward total seating capacity
Health club or indoor athletic facility	1 space per 300 sq. ft. of gross floor area

Use	Minimum Number of Spaces
<b>Utility, Transportation, Communications</b>	
Public utility	1 space per 400 sq. ft. of gross floor area devoted to office use, 1 space per 800 sq. ft. of gross floor area for other use
Transportation terminal	1 space per 600 sq. ft. of gross floor area
<b>Other Uses</b>	
Mixed-use	Sum of uses computed separately
Any other use permitted in this Bylaw	Closest similar use as shall be interpreted to be covered by this table, as determined by the Building Inspector

#### 6.1.5. **Parking Reduction in Business, Industrial, and Multi-Family Residential Zones**

The Board of Appeals or Arlington Redevelopment Board, as applicable, may allow the reduction of the parking space requirements in the R5, R6, R7, Business, and Industrial Zones to 25 percent of that required in the Table of Off-Street Parking Regulations if the proposed parking is deemed adequate and where Transportation Demand Management practices are incorporated, as evidenced by a Transportation Demand Management Plan approved by the Special Permit Granting Authority. Methods to reduce parking on site may include but are not limited to:

- A. Shared Parking: To implement shared on-site parking, the applicant shall demonstrate that proposed uses are non-competing. In mixed-use developments, applicants may propose a reduction in parking requirements based on an analysis of peak demand for non-competing uses. In these cases, the parking requirement for the largest of the uses (in terms of parking spaces required) shall be sufficient.
- B. Off-site Parking. An applicant may use off-site parking to satisfy their parking requirements as provided in Section 6.1.10. The applicant shall document efforts to promote use of off-site parking by customers, residents, or employees.
- C. Transportation Demand Management (TDM): Any request for parking reduction must include a plan to reduce demand for parking. TDM provides incentives to reduce the use of Single Occupant Vehicles and encourages the use of public transit, bicycling, walking, and ridesharing. All projects requesting a parking reduction must employ at least three TDM methods described below:
  - (1) Charge for parking on-site;
  - (2) Pay a stipend to workers or residents without cars;
  - (3) Provide preferential parking for carpooling vehicles;
  - (4) Provide a guaranteed emergency ride home;
  - (5) Provide transit pass subsidies;
  - (6) Provide covered bicycle parking and storage, if otherwise not required;

- (7) Provide bicycle or car sharing on site;
- (8) Provide showers for business or industrial uses;
- (9) Other means acceptable to the applicable Special Permit Granting Authority.

When the applicable Special Permit Granting Authority determines that a business in a Business District has no ability to create new parking onsite and that there is adequate nearby on-street parking or municipal parking, it may reduce to less than 25 percent or eliminate the amount of parking required in the Table of Off-Street Parking Regulations. In those circumstances, the applicable Special Permit Granting Authority may require the applicant to incorporate methods set forth in subparagraphs A., B., and C. of this section. The reductions described in this paragraph do not apply to residential use classes identified in Section 5.5.3. and are in addition to the exemption from the parking requirements for the first 3,000 square feet of non-residential space in a mixed-use development as set forth in Section 6.1.10.C.

#### 6.1.6. Table of Off-Street Loading and Unloading Regulations

The off-street loading and unloading requirements in the Table of Off-Street Loading and Unloading Regulations shall apply to any nonresidential use. The Board of Appeals or Arlington Redevelopment Board, as applicable, may reduce the loading requirements, including the size of the loading space, if it finds that so doing will not be detrimental to the structure or surrounding uses.

Use	Minimum Number of Loading Spaces per Sq. Ft. Gross Floor Area
Retail, Personal, Consumer, and Business Services, Restaurants	5,000 - 20,000 = 1 20,001 - 50,000 = 2 50,001 - 100,000 = 3  plus 1 for each 100,000 (or fraction) over 100,000
Manufacturing, Industrial, Utility, Transportation, Communications, Wholesale and Storage	5,000 - 20,000 = 1 20,001 - 40,000 = 2 40,001 - 120,000 = 3 120,001 - 200,000= 4  plus 1 for each 100,000 (or fraction) over 200,000
Institutional, Educational, Public, Recreational or Entertainment, Office	5,000 - 50,000 = 1 50,001 - 100,000 = 2 100,001 - 150,000= 3  plus 1 for each 150,000 (or fraction) over 150,000

#### 6.1.7. Existing Spaces

Parking or loading spaces being maintained in any District for any existing use on the effective date of this Bylaw, or any spaces subsequently provided in accordance with this Bylaw, shall not be decreased or in any way removed from service to the use originally intended to be served so long as the use remains, unless a number of parking or loading spaces is constructed elsewhere on property under the same ownership. However, this regulation shall not require the maintenance of more parking or loading spaces than is required according to the tables in this Section 6.1.

### 6.1.8. Computation of Spaces

When the computation of required parking or loading spaces results in a fractional space, any fraction of one-half or more shall require one parking space.

### 6.1.9. Combined Facilities

Parking required for two or more buildings or uses may be provided in combined facilities on the same or adjacent lots, provided there is a legally enforceable shared parking agreement executed by all parties concerned and approved by the Board of Appeals or Arlington Redevelopment Board, as applicable, as part of the special permit process and recorded with the Middlesex South Registry of Deeds.

### 6.1.10. Location of Parking Spaces

Required off-street parking spaces shall be provided on the same lot as the principal use they are required to serve, or when practical difficulties prevent their establishment on the same lot, they shall be established no further than 600 feet from the premises they serve, subject to approval by the Board of Appeals or Arlington Redevelopment Board, as applicable. Such spaces may be located outside or within a structure designed as a public or private garage. Projects subject to Section 3.4, Environmental Design Review, may provide parking off-site within 600 feet where it can be shown that a long-term, legally enforceable agreement has been made to secure off-site parking.

A. **Parking in Residential Districts.** For single-family, two-family, duplex, and three-family dwellings, off-street parking shall not be permitted in the area between the front lot line and the minimum front setback except on a driveway not exceeding 20 feet in width leading to the required parking space(s). Off-street parking is permitted in (1) the side yard and rear yard on a paved driveway, or in the case of a corner lot of less than 6,000 square feet in the longer of the two front yards, up to a maximum of 24 feet in width, or (2) in an attached or detached garage, or (3) within the foundation of a dwelling provided the garaging is specifically designed for that purpose. Any driveway leading to off-street parking on a lot cannot exceed a 15% downward slope, as measured from the farthest point from the front property line, except by Special Permit. A space designed for parking within an existing garage is determined to meet the requirements of an off-street parking space. Side yards used for parking shall have a vegetated buffer when abutting a lot used for residential purposes, to minimize visual impacts.

For single-family, two-family, duplex, and three-family dwellings in R0, R1, R2, R3 and R4 districts, not more than one driveway shall be permitted unless there is a finding by the Special Permit Granting Authority for the development that a second driveway or a driveway that makes more than one intersection with the street may be added in a manner that avoids an undue concentration of population, allows adequate provision of transportation, and conserves the value of land and buildings in the vicinity. In no case may a second driveway for a single-family, two-family, duplex, or three-family dwelling violate any other dimensional or density regulations for the district in which it is located. For single-family, two-family, duplex, and three-family

dwellings in R0, R1, R2, R3, and R4 districts, not more than two driveways are permitted.

B. Parking in Commercial Districts. For properties located in the Business Districts, no parking shall be permitted in the front yard nor shall any driveways directly in front of a structure be permitted without a finding by the Board of Appeals or Arlington Redevelopment Board, as applicable, that the parking or driveway is necessary and convenient to the public interest.

C. For Mixed-Use development, the first 3,000 square feet of non-residential space is exempt from the parking requirements of this Section 6.1.

D. Public Parking Lots. The Board of Appeals or Arlington Redevelopment Board, as applicable, may allow the substitution of space within public parking lots in lieu of parking requirements of this Section 6.1 provided they are located within 1,000 feet of the building to be served.

E. Location of Loading Spaces. The loading spaces required for the uses listed in the Table of Off-Street Loading and Unloading Regulations shall in all cases be on the same lot as the use they are intended to serve. In no case shall the required loading spaces be part of the area used to satisfy the parking requirements of this Bylaw.

F. Parking in Industrial Districts. In an Industrial District, all parking and loading areas shall be subject to the following requirements in addition to the applicable requirements of Section 6.1.10:

- (1) The parking area shall be located to the rear or side of the primary building. No parking shall be permitted in the front yard nor shall any driveways directly in front of a structure be permitted without a finding by the Board of Appeals or the Redevelopment Board, as applicable, that the parking or driveway is necessary and convenient to the public interest.
- (2) Any loading and/or delivery access shall be located at the rear of the building or in an alley between buildings on the same lot. In the case of demonstrated hardship, an alternative may be approved by the Redevelopment Board.

#### **6.1.11. Parking and Loading Space Standards**

A. A parking space may be inside or outside a structure and shall be for the exclusive use of one motor vehicle. Spaces entered from the front or rear, and stacked spaces, shall have minimum dimensions of 8.5 feet by 18 feet. Compact car parking spaces permitted in accordance with Paragraph C(11) below shall be at least 8 feet by 16 feet. For parallel parking, a space shall have minimum dimensions of 8 feet by 22 feet, except that such spaces which are open and unobstructed at one end may be only 18 feet in length. In residential side yards, the width of a parking space may be the width of the side yard, but in no case less than 7.5 feet.

B. Parking areas with five spaces or less shall be surfaced with a permanent pervious or impervious material or binder.

C. All parking and loading areas containing over five spaces, including automotive and drive-in establishments of all types, shall be paved and subject to the following:

- (1) The parking and loading areas and access driveways shall be surfaced with pervious or impervious material and shall be graded and drained to dispose of all surface water accumulation in accordance with acceptable engineering practices and shall be subject to approval by the Town Engineer. The location of spaces shall be suitably marked by painted lines or other appropriate markings.
- (2) A substantial bumper of masonry, steel or heavy timber, or a concrete curb or berm curb which is backed, shall be placed at the edge of surfaced areas except driveways to protect abutting structures, properties and sidewalks and screening materials.
- (3) Each required off-street parking space shall have direct access to an aisle or driveway having a minimum width of 24 feet in the case of two-way traffic or the following widths in the case of one-way traffic only:

Angle of parking	Minimum aisle width
Parallel	12 ft
30 deg	11 ft
45 deg	13 ft
60 deg	18 ft
90 deg	24 ft

- (4) Any fixture used to illuminate any area shall be so arranged as to direct the light away from the street and away from adjoining premises used for residential purposes.
- (5) No business operation for vehicle repair, gasoline or oil service facilities, or any repair to any motor vehicles shall be conducted except on a lot occupied by a permitted automotive use. Any accessory gasoline or oil facilities shall be at least 25 feet from any lot line.
- (6) Except for duly authorized yard sales, the storage of materials or equipment or display of merchandise within the required parking area is prohibited.
- (7) Any portion of any entrance or exit driveway shall not be closer than 50 feet to the curb line of an intersecting street.
- (8) Any two driveways leading to or from a street, or to or from a single lot, shall not be within 30 feet of each other at their intersections with the front lot line for an interior lot and 40 feet from the intersection of the lot line with the street right-of-way for a corner lot.
- (9) Any entrance or exit driveway shall not exceed 24 feet in width at its intersection with the front lot line except for automotive service stations and fire stations, in which cases the width may be increased to 40 feet.

- (10) In R0, R1, R2, R3, and R4 zones, the Board of Appeals or Arlington Redevelopment Board, as applicable, may grant a special permit to allow the reduction of the parking space requirements to 80% of that required in the Table of Off-Street Parking Regulations where conditions unique to the use reasonably justify such a reduction.
- (11) The Board of Appeals or Arlington Redevelopment Board, as applicable may grant a special permit allowing up to 20% of the spaces in a parking lot or garage to be sized for compact cars.

D. All parking and loading areas containing over five spaces which are not inside a structure shall also be subject to the following.

- (1) The surfaced area shall be set back at least 10 feet from front lot lines and from all lot lines of abutting property used for residential purposes; however, for side and rear lot lines the setback need only be five feet if the setback includes a solid wall or solid wooden fence, five to six feet in height complemented by suitable plantings. In no case shall the paved area be set back from the front lot line a distance less than the minimum front yard setback for the district, nor from a side or rear lot line a distance less than the minimum buffer width required in the Density and Dimensional Regulations of the district. Where deemed appropriate by property owner, acceptable to immediate abutters, and approved by the Building Inspector, another wall or fence height or fence type may be substituted for the required wall or fence.
- (2) The area shall be effectively screened with suitable planting or fencing on each side that faces abutting lots used for residential purposes. The screening shall be within the lot boundaries and at least five feet and not more than six feet high. Parking areas and access driveways accessory to any multi-family dwelling shall be separated from the building by a buffer strip of green open space not less than five feet wide and suitably planted.
- (3) The area within the setback from the front lot line shall be landscaped and shall contain a compact hedge, fence, or berm at least three feet high, placed parallel to the street except within 10 feet of driveways.
- (4) Parking shall not be located within the required front yard area in any district.
- (5) Parking and loading spaces other than those required for single-family and two-family dwellings shall be so arranged to avoid backing of vehicles onto any street.
- (6) Parking areas providing more than 25 spaces shall include landscaped areas in at least 8% of the total paved portion of the parking area. Minimum required landscaped setbacks and buffers at the perimeter of the parking area shall not be counted toward the landscaping requirement of this paragraph. Individual strips of landscaping shall be at least four feet wide.

E. The landscaping standards of Section 6.1.11 may be modified to increase capacity for parking lots if both of the following conditions are satisfied as findings of a special permit:

- (1) Reasonable alternative measures have been taken to meet the intent of these standards: to minimize traffic congestion entering and within parking lots, separate parking from pedestrian spaces, provide adequate drainage, screen parking lots from adjacent, residential uses and from street frontages (preferably with landscaped spaces), and facilitate snow removal and storage; and
- (2) All landscaped space required by this section is provided at some location in the parking lot, including required landscaping which may be lost in setbacks reduced in size by the provisions of this subsection.

F. Parking in Industrial Districts. In an Industrial District, all parking and loading areas shall be subject to the following requirements in addition to the applicable requirements of Section 6.1.11.:

- (1) Parking spaces above the minimum number required by Section 6.1.4. shall be surfaced with a permanent pervious material or binder.
- (2) For parking areas not covered with pervious surfaces, one of the following options must be chosen to reduce the heat given off by the paved surface of the parking area:
  - Install a highly reflective surface using one of the following options:
    - Roller-compacted concrete
    - Concrete over asphalt (white topping and ultra-thin white topping)
    - Use of light-colored aggregate in asphalt.
    - Asphalt, concrete and pavers with modified colors
  - Increase shade of the impervious pavement to a minimum of 50% of the surface by one or both of the following methods:
    - Installing trees within the landscaped areas required by Section 6.1.11.D(6).
    - Solar panels over parking spaces allowing cars to park underneath.
- (3) Rain gardens, bioswales, and wetlands restoration, as appropriate to control runoff and manage stormwater on-site, are strongly encouraged and should act as a transition between parking and open space.
- (4) Electric vehicle charging stations are strongly encouraged.
- (5) All parking surfaces shall comply with requirements of Section 3.4.4(E).

### 6.1.12. Bicycle Parking

- A. Bicycle parking shall be provided for any development or change of use. Bicycle parking is also required for building expansions or conversions, except where the difference of bicycle parking required for the new building and the bicycle parking for that would be required for the existing building under this Section equals fewer than 2 bicycle parking spaces. The Board of Appeals or the Arlington Redevelopment Board, as applicable, may modify the requirements of this Section based on specific conditions unique to the proposal.
- B. Bicycle parking as required by this Section refers to the accessory storage of bicycles (which may include trailers or other customary accessories) in a secure manner that allows for quick and convenient access, storage, and removal of the bicycles by users who are making trips to or from the associated principal use. Bicycle parking shall be maintained exclusively for the parking of bicycles and not for the storage of other objects unrelated to bicycle use or for other purposes, as long as the use exists which the facilities were designed to serve. Bicycle parking facilities designed in accordance with this Section shall be available for use at all times when the associated principal use is in operation, except when access may be restricted for necessary maintenance from time to time.
- C. When bicycle parking is required long-term and short-term bicycle parking spaces shall be provided:
  - (1) Long-term bicycle parking shall be intended primarily to serve residents, employees, and other persons who would require storage of a bicycle for a substantial portion of the day, for an overnight period, or for multiple days; however, it may serve other bicycle users as needed. Long-term bicycle parking is typically located within an enclosed, limited-access area designed so as to protect bicycles from precipitation and from theft.
  - (2) Short-term bicycle parking shall be intended primarily to serve visitors, such as retail patrons, making trips of up to two hours to a particular use; however, it may serve other bicycle users as needed. Short-term bicycle parking is typically located in a publicly accessible area near pedestrian entrances to the use they are intended to serve.
- D. The minimum number of bicycle parking spaces shall be as set forth in the following table. The computed number of bicycle parking spaces will be rounded up to the nearest whole number. Bicycle parking spaces shall be provided in addition to the off-street parking space requirements of Section 6.1.4.

Use	Minimum Number of Long-Term Bicycle Parking Spaces	Minimum Number of Short-Term Bicycle Parking Spaces
<b>Residential Uses</b>		
Single-, two-, or three-family dwelling and townhouse structures	No minimum	No minimum
Apartment building	1.5 spaces per dwelling unit	0.10 spaces per dwelling unit

Use	Minimum Number of Long-Term Bicycle Parking Spaces	Minimum Number of Short-Term Bicycle Parking Spaces
Assisted living residence	0.5 spaces per dwelling unit	0.05 spaces per dwelling unit
Single-room occupancy building	1 space per dwelling unit	0.10 spaces per dwelling unit
Group home	0.5 spaces per bed	0.05 spaces per bed
<b>Business or Industrial Use</b>		
Auto sales, similar retail and service establishments with extensive display areas that are unusually extensive in relation to customer traffic	0.08 spaces per 1,000 sq. ft. of gross floor area	0.06 spaces per 1,000 sq. ft. of gross floor area
Hotel/motel	0.02 spaces per sleeping room	0.05 spaces per sleeping room
Other retail or service use	0.10 spaces per 1,000 sq. ft. of gross floor area	0.60 spaces per 1,000 sq. ft. of gross floor area
Office, business or professional	0.30 spaces per 1,000 sq. ft. of gross floor area	0.50 spaces per 1,000 sq. ft. of gross floor area
Wholesale business and storage	0.80 spaces per 1,000 sq. ft. of gross floor area	0.60 spaces per 1,000 sq. ft. of gross floor area
Manufacturing, Light	1 space per 1,000 sq. ft. of gross floor area or 0.75 spaces per employee of the combined employment of the two largest successive shifts, whichever is greater	0.60 spaces per 1,000 sq. ft. of gross floor area
Office, medical or clinic	1 space per 1,000 sq. ft. of gross floor area	0.50 spaces per 1,000 sq. ft. of gross floor area
<b>Institutional, Educational Use</b>		
Hospital	0.20 spaces per 1,000 sq. ft. of gross floor area	0.10 spaces per 1,000 sq. ft. of gross floor area
Nursing home	0.5 spaces per bed	0.05 spaces per bed
Non-exempt educational use	0.30 spaces per classroom or 0.015 spaces per auditorium seat, whichever is greater	1.70 spaces per classroom or 0.085 spaces per auditorium seat, whichever is greater
Other school	0.30 spaces per classroom or 0.015 spaces per auditorium seat, whichever is greater	1.70 spaces per classroom or 0.085 spaces per auditorium seat, whichever is greater
<b>Public, Recreational or Entertainment</b>		
Municipal facility	0.30 spaces per 1,000 sq. ft. of gross floor area	0.50 spaces per 1,000 sq. ft. of gross floor area
Indoor Motion Picture Theater, restaurant, gymnasium, auditorium or similar place of public assembly with seating facilities	0.20 spaces per 1,000 sq. ft. of gross floor area	1 space per 1,000 sq. ft. of gross floor area
Health club or indoor athletic facility	0.10 spaces per 1,000 sq. ft. of gross floor area	1 space per 1,000 sq. ft. of gross floor area
<b>Utility, Transportation, Communications</b>		
Public utility	0.08 spaces per 1,000 sq. ft. of gross floor area	0.06 spaces per 1,000 sq. ft. of gross floor area

Use	Minimum Number of Long-Term Bicycle Parking Spaces	Minimum Number of Short-Term Bicycle Parking Spaces
Transportation terminal	0.08 spaces per 1,000 sq. ft. of gross floor area	0.06 spaces per 1,000 sq. ft. of gross floor area
<b>Other Uses</b>		
Mixed-use	Sum of uses computed separately	Sum of uses computed separately
Any other use permitted in this Bylaw	Closest similar use as shall be interpreted to be covered by this table, as determined by the Building Inspector	Closest similar use as shall be interpreted to be covered by this table, as determined by the Building Inspector

E. The general requirements for bicycle parking shall be:

- (1) A bicycle rack or bicycle storage fixture or structure shall accommodate a bicycle at least six feet in length and two feet wide;
- (2) Bicycle racks or storage fixtures must be secured against theft by attachment to a permanent surface;
- (3) Bicycle parking apparatus shall be installed in a manner that will not obstruct pedestrian or motor vehicle traffic;
- (4) To the extent feasible, bicycle parking shall be separated from motor vehicle parking to minimize the possibility of bicycle or auto damage; and
- (5) Bike racks or posts shall be capable of securing a standard bicycle frame and one wheel using a common U-type security lock without the need to remove either wheel. Bicycle racks designed to hold a bicycle by its front wheel alone shall not be considered to meet the bicycle parking requirements of this Section.

F. Bicycle parking designed in the following manner shall not be permitted, unless otherwise allowed by the Special Permit Granting Authority upon a finding of unusual circumstances unique to the property:

- (1) Storage that requires bicycles to be lying down or requiring a kickstand to remain upright;
- (2) Bicycles that must be hung with one or both wheels suspended in the air; or
- (3) Bicycles that must be lifted off of the ground or floor without any physical assistance.

G. The location of bicycle parking spaces shall comply with the following requirements:

- (1) Short-term bicycle parking shall be located within 50 feet of the main entrance of a building or no further away than the nearest off-street parking space, whichever is closer, with appropriate signage leading to the bicycle parking if not visible from the main entrance;
- (2) Long-term bicycle parking shall be provided within the building containing the use that it is intended to serve, or within a structure that is no more than 200 feet from the main entrance of a building. Bicycle parking serving

multiple uses or buildings may be pooled into a single secure area, enclosure, or facility;

- (3) Bicycle parking must not require lifting bicycles off the floor or carrying bicycles up or down any steps or stairs; and
- (4) While requirements in this Section shall not be satisfied within individual residential dwelling units, residents may bring bicycles into their individual dwelling unit for storage.

H. The requirements of this Section may be reduced as follows after a finding of the Special Permit Granting Authority that the characteristics of the use, structure, or facility makes the use of bicycles unlikely or would substantially reduce the use of bicycles:

- (1) For non-residential uses, up to twenty percent of the required long-term bicycle parking spaces or four spaces, whichever is greater, may be converted to short-term bicycle parking spaces; and
- (2) For residential uses requiring six long-term bicycle parking spaces or fewer, the long-term bicycle parking spaces may be designed to meet the requirements for short-term bicycle parking spaces, so long as the bicycle parking spaces are covered to be protected from precipitation, are in a secure area, and are located on the same lot as the residential uses they serve.

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## 6.2 SIGNS

### 6.2.1. General Provisions

A. Purpose. The purpose of this Section is to promote the public health, safety, and welfare through a comprehensive system of reasonable, effective, consistent, content-neutral, and non-discriminatory sign standards and requirements, including the following specific purposes:

- (1) Ensure that all signs are compatible with the unique character and environment of the Town of Arlington, and that they support the desired ambience and development patterns of the various districts, overlay districts, and historic areas within the Town;
- (2) Balance public and private objectives by allowing adequate avenues for both commercial and non-commercial messages;
- (3) Improve pedestrian and traffic safety by promoting the free flow of traffic and the protection of pedestrians and motorists from injury and property damage caused by, or which may be fully or partially attributable to, cluttered, distracting, and/or illegible signage;
- (4) Prevent property damage, personal injury, and litter caused by signs that are improperly constructed or poorly maintained;

- (5) Protect property values, the local economy, and quality of life by preserving and enhancing the appearance of the streetscape; and
- (6) Provide consistent sign design standards that enable the fair and consistent enforcement of these sign regulations.

B. Authority. This Section is the primary tool for implementing the sign policies of the Town of Arlington and other state and local requirements. Whenever any provision of this Section refers to or cites a section of state law, and that section is later amended or superseded, the Section shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

C. Applicability. This Section applies to all signs within the Town of Arlington regardless of their nature or location, unless specifically exempted in Section 6.2.1(E).

- (1) Standards for Permanent Signs are found in Section 6.2.5.
- (2) Standards for Portable Signs and Temporary Signs are found in Section 6.2.6.
- (3) Standards for signs located in any historic district are regulated pursuant to the Bylaws of the [Town of Arlington Title VII, Historic Districts, Article 4](#), and the Arlington Historic Districts Commission Design Guidelines for Local Historic Districts.
- (4) Standards for signs for home occupations are regulated pursuant to Section 5.9.1.
- (5) Nothing in this Section shall be construed to prohibit a person from holding a sign while picketing or protesting on public property that has been determined to be a traditional or designated public forum, so long as the person holding the sign does not block ingress and egress from buildings, create a safety hazard by impeding travel on sidewalks, in bike or vehicle lanes, or on trails, or violate any other reasonable time, place, and manner restrictions adopted by the Town of Arlington.

D. Substitutions and Interpretations. This Section is not intended to, and does not, restrict speech on the basis of its content, viewpoint, or message. No part of this Section shall be construed to favor commercial speech over non-commercial speech. A non-commercial message may be substituted for any commercial or non-commercial message displayed on a sign without the need for any approval or sign permit, provided that the sign is otherwise permissible under this Section. If a commercial message is substituted for any other commercial message, a sign permit is required pursuant to Section 6.2.2(A)(1). To the extent any provision of this Section is ambiguous, the term will be interpreted not to regulate on the basis of the content of the message.

E. Exemptions. The following signs are not regulated under this Section:

- (1) Any sign, posting, notice or similar signs placed, installed, or required by law by a town, county, or a federal or state governmental agency in carrying out

its responsibility to protect the public health, safety, and welfare, including the following:

- Emergency and warning signs necessary to warn of dangerous and hazardous conditions and that serve to aid public safety or civil defense;
- Traffic signs erected and maintained by an authorized public agency;
- Signs required to be displayed by law, regulation, or ordinance;
- Signs directing the public to points of interest;
- Signs showing the location of public facilities; and
- Numerals and letters identifying an address from the street to facilitate emergency response and compliant with Town requirements.

(2) Non-illuminated non-commercial signs on single-family, two-family, and three-family residences and duplexes in residential zoning districts;

(3) Non-illuminated signs which provide incidental information including, but not limited to credit card acceptance, business hours, open/closed, no soliciting, directions to services and facilities, or menus, provided these signs do not exceed an aggregate of six square feet in sign area;

(4) Building identification signs not exceeding two square feet in area for residential buildings and four square feet in area for nonresidential and mixed-use buildings;

#### Building Identification Sign

*(See Section 6.2.1(E)(2))*



This diagram is included for illustrative purposes only. It is not part of the Arlington Zoning Bylaw.

(5) Signs not exceeding 11 x 17 inches posted on a community bulletin board;

(6) Landmark signs;

- (7) Historical plaques and commemorative signs erected and maintained by non-profit organizations, building cornerstones, and date-constructed stones not exceeding four square feet in area;
- (8) Signs not readable from the public right-of-way, including:
  - Signs or displays located entirely inside of a building and not visible from the building's exterior, such as those for home occupations described in Section 5.9.1;
  - Signs intended to be readable from within a parking area or Town park but not readable beyond the boundaries of the lot or parcel upon which they are located or from any public right-of-way; and
  - Signs located within Town of Arlington recreation facilities; and
- (9) Any notice as defined in [Title V, Article 1](#) of the Town Bylaws.

F. **Severability.** If any section, sentence, clause, phrase, word, portion, or provision of this Section is held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect, impair, or invalidate any other section, sentence, clause, phrase, word, portion, or provision of this Section which can be given effect without the invalid provision. The invalidation of the application of any section, sentence, clause, phrase, word, portion, or provision of this Section to a particular property or structure, or any particular properties or structures, by any court of competent jurisdiction shall not affect the application of such section, sentence, clause, phrase, word, portion or provision to any other property or structure not specifically included in said invalidation.

#### **6.2.2. Procedures**

##### **A. Permanent Sign Permits.**

- (1) **Sign Permit Required.** A sign permit is required to erect, install, construct, move, alter, replace, suspend, display, or maintain (i.e., removal of the sign so that structural elements supporting the sign may be maintained) any permanent sign, unless otherwise specified in this Section. Each sign and change of copy (i.e., changing of the face or letters on a sign) requires a separate Sign Permit except as allowed in Section 6.2.1(D).
- All permanent signs must comply with all applicable requirements and standards established in this Section.
- Any sign not authorized pursuant to this Section is not allowed.
- (2) **Review and Approval.**
- **Application Required.** An application for a sign permit shall be filed with the Department of Inspectional Services, together with required fees and supporting documentation.
- **Review.** The Building Inspector shall review all sign permit applications and supporting documentation for compliance with the standards of this Section. The Building Inspector will refer the sign permit application to the Department of Planning and Community Development for review before issuing the sign permit. The

Department of Planning and Community Development shall complete a design review and, based on the Arlington Redevelopment Board's Rules and Regulations, determine whether the application should be referred to the Arlington Redevelopment Board.

- **Determination.** Following review by the Department of Planning and Community Development and the Arlington Redevelopment Board, as applicable, the Building Inspector shall determine whether the sign permit may be issued or if additional information is required from the applicant to complete the permit application. If the sign permit application is denied, the reason shall be stated in writing.
- **Building Permit Required.** If the Building Inspector determines that a separate electrical or structural permit is required, the applicant shall be notified. The sign permit shall not be issued until all other required permits have been obtained.

**B. Temporary Sign Permits.**

- (1) **Sign Permit Required.** A temporary sign permit is required to display a temporary wall banner sign, an A-frame sign, or an upright sign placed in the public right-of-way. All temporary wall banner signs, A-frame signs, and upright signs must comply with all applicable requirements and standards established in this Section.
- (2) **Duration of Temporary Sign Permit.** A temporary sign permit for a wall banner is valid for 60 days beginning with the date of issuance. There are no time limitations for A-frame or upright signs installed in public right-of-way for which a temporary sign permit is required pursuant to Section 6.2.6(C).
- (3) **Review and Approval.**

- **Application Required.** An application for a temporary sign permit and any supporting documentation shall be filed with the Department of Inspectional Services by a business owner or a property owner on behalf of the business.
- Each tenant in a multi-tenant building is entitled to a temporary wall banner sign in accordance with this Section.
- **Review.** The Building Inspector shall review the temporary sign permit application for compliance with the standards in Section 6.2.6. The Building Inspector may refer the temporary sign permit application to the Department of Planning and Community Development for review before issuing the sign permit.
- **Determination.** The Building Inspector shall determine whether the temporary sign permit may be issued or if additional information is required from the applicant to complete the permit application. If the temporary sign permit application is denied, the reason shall be stated in writing.

**C. Sign Special Permits.**

- (1) A sign special permit may be granted by the Arlington Redevelopment Board to allow more than the number of signs allowed under this Section 6.2, or signs of a greater size or in a location other than that specified in this Section 6.2 provided the architecture of the building, the location of the building relative to the street, or the nature of the use being made of the building is

such that an additional sign or signs of a larger size should be allowed in the public interest. In no case shall any sign allowed exceed a maximum sign area of four feet times the length of the building frontage.

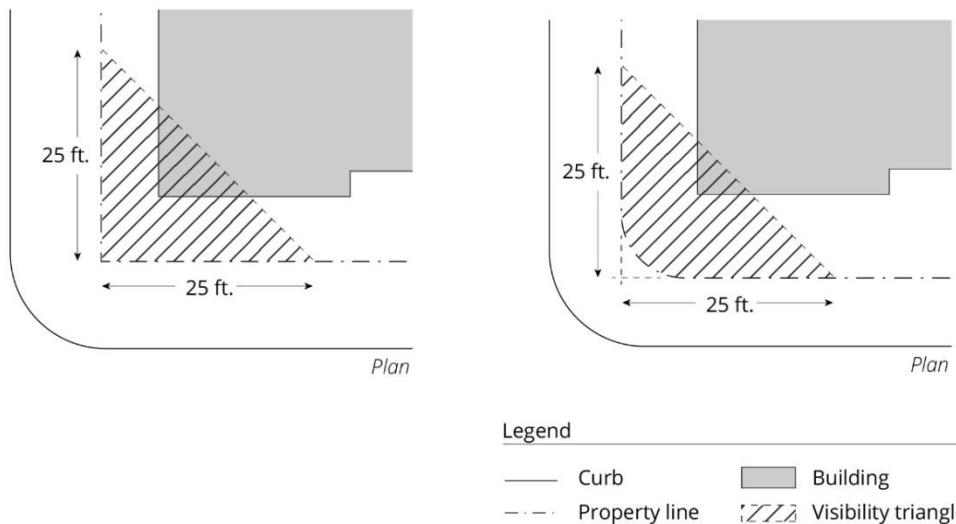
- (2) An application for a sign special permit shall comply with the submission requirements and procedures in Section 3.3 and Section 3.4 and the rules and regulations of the Arlington Redevelopment Board, as applicable.
- D. Appeals. A decision of the Building Inspector may be appealed by any aggrieved person pursuant to Section 3.1.3.

#### 6.2.3. General Restrictions for All Signs

- A. Location Restriction. Except where specifically authorized in this Section, signs may not be placed in the following locations:
  - (1) Within, on, or projecting over public property, Town rights-of-way, and the Minuteman Bikeway, or waterways, except signs specifically authorized by this Section 6.2;
  - (2) Any location that obstructs the view of any authorized traffic sign, signal, or other traffic control device;
  - (3) On property at any corner formed by intersecting streets, within the triangular area formed between the property lines and a diagonal line joining points on the property lines 25 feet from the point of their intersection, or in the case of rounded property line corners, the triangular area between the tangents to the curve at such corner and a diagonal line joining points on the tangents 25 feet from the point of their intersection;

#### Traffic Visibility at Intersections

*(See Section 6.2.3(A)(3))*



This diagram is included for illustrative purposes only. It is not part of the Arlington Zoning Bylaw.

- (4) Areas allowing for ingress to or egress from any door, window, vent, exit way or fire lane required by the Building Code or Fire Department regulations currently in effect;
- (5) Off the premises of the business to which the commercial advertising sign refers, except as provided in Section 6.2.6;
- (6) On fuel tanks, storage containers and/or solid waste receptacles or their enclosures, except for a manufacturer's or installer's identification, appropriate warning signs and placards, and information required by law;
- (7) Where they cover the architectural features of a building, such as dormers, insignias, pilasters, soffits, transoms, trims, or another architectural feature;
- (8) Tacked, painted, burned, cut, pasted, or otherwise affixed to trees, rocks, light and utility poles, posts, fences, ladders, benches, or similar supports that are visible from a public way except for notices as defined in Title V, Article 1, of the Town Bylaws; and
- (9) On the roof of a building or structure.

B. **Prohibited Signs.** Except as otherwise provided in this Section, the following signs are prohibited and considered illegal:

- (1) Signs that could be confused with any authorized traffic signal or device or that interfere with, obstruct, confuse or mislead traffic;
- (2) Bandit Signs;
- (3) Cabinet Signs;
- (4) Electronic Message Centers or electronic displays;
- (5) Inflatable balloons, spinners, strings of flags and pennants, feather banners, fixed aerial displays, streamers, tubes, or other devices affected by the movement of the air or other atmospheric or mechanical means either attached to a sign or to vehicles, structures, poles, trees and other vegetation, or similar support structures, except as allowed in Section 6.2.6;
- (6) Signs affixed to trucks, automobiles, trailers, or any other vehicle that advertise, identify or provide direction to a use or activity not related to its lawful use for making deliveries, the sale of merchandise, or rendering services from such vehicles;
- (7) The parking of delivery, sales, or service vehicles in an off-site location, or on-site within a parking lot adjacent to a public street, for the purpose of advertising;
- (8) Any sign which advertises a business no longer in existence or a product or service no longer being sold, except landmark signs;
- (9) Any portable or temporary sign, other than those signs allowed pursuant to Section 6.2.6; and

(10) Any other signs not specifically allowed by the provisions of this Section.

C. **Display Restrictions.** The purpose of this Section is to regulate the manner in which signs convey their messages by specifying prohibited display features that create distractions to the traveling public and create visual clutter that mar the natural and architectural aesthetics of the Town of Arlington. Signs with the following display features are prohibited:

- (1) Animated features which rotate, move, or give the appearance of moving by mechanical, wind, or other means. Barber poles no more than three feet in height and 10 inches in diameter, flags, and clocks are excepted from this restriction;
- (2) Sound, odor, or any particulate matter including, bubbles, smoke, fog, confetti, or ashes;
- (3) Lighting devices with intermittent, flashing, rotating, blinking or strobe light illumination, animation, motion picture, or laser or motion picture projection, or any lighting effect creating the illusion of motion, as well as laser or hologram lights;
- (4) Internally illuminated signs with a directly exposed light source, except for neon incorporated into the design of a permanent window sign. See Section 6.2.4(C);
- (5) Surfaces that reflect light by means of a glossy, polished, or mirrored surface; and
- (6) Strings of lights used in connection with commercial premises, except when used for temporary lighting for decoration, and lights arranged in the shape of a product, arrow, or any commercial message.

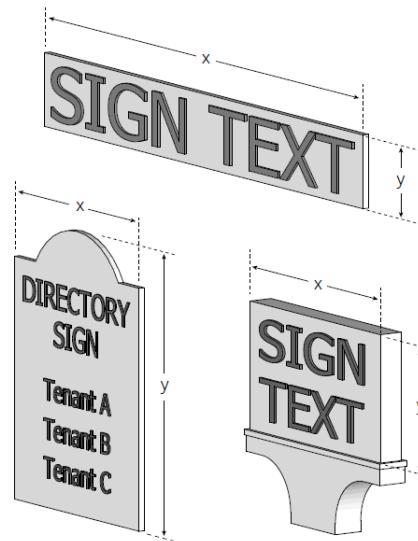
#### **6.2.4. General Requirements for All Signs**

A. **Sign Message.** Any sign may contain, in lieu of any other message or copy, any lawful non-commercial message, so long as the sign complies with the size, height, area, location, and other requirements of this Section.

B. **Sign Measurement.**

- (1) **Sign Area Measurement.** Sign area for all sign types is measured as follows:
  - **Signs on Background Panel.** Sign copy mounted, affixed, or painted on a background panel or surface distinctively painted, textured, or constructed as a background for the sign copy, is measured as that area contained within the sum of the smallest rectangle(s) that will enclose both the sign copy and the background.

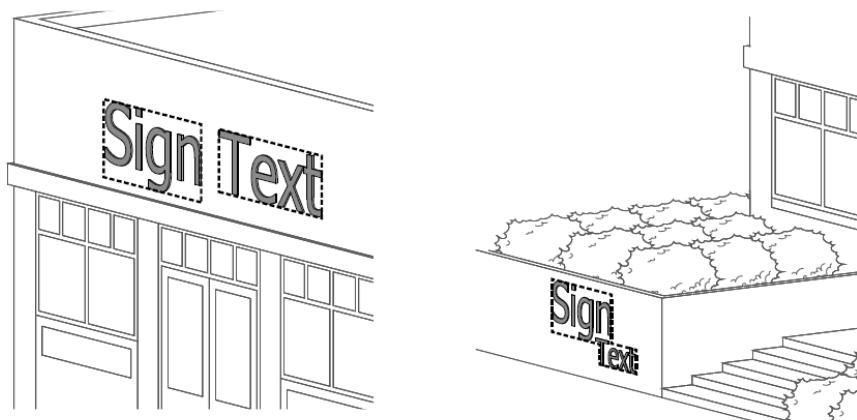
Sign Area for Signs on Background Panel  
*(See Section 6.2.4(B)(1))*



This diagram is included for illustrative purposes only. It is not part of the Arlington Zoning Bylaw.

- Signs with Individual Letters. Sign copy mounted as individual letters or graphics against a wall, fascia, mansard, or parapet of a building or surface of another structure, that has not been painted, textured or otherwise altered to provide a distinctive background for the sign copy, is measured as a sum of the smallest rectangle(s) that will enclose each word and each graphic in the total sign.

Sign Area for Signs with Individual Letters  
*(See Section 6.2.4(B)(1))*

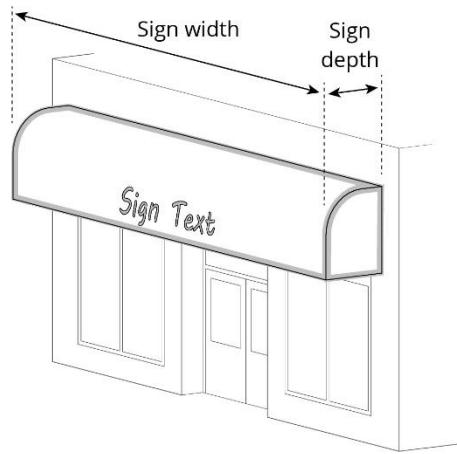


This diagram is included for illustrative purposes only. It is not part of the Arlington Zoning Bylaw.

- Signs on Illuminated Surfaces. Sign copy mounted, affixed, or painted on an illuminated surface or illuminated element of a building or structure, is measured as the entire illuminated surface or illuminated element, which contains sign copy. Such elements may include lit canopy fascia signs, and/or interior lit awnings.

#### Sign Area for Signs on Illuminated Surfaces

*(See Section 6.2.4(B)(1))*



This diagram is included for illustrative purposes only. It is not part of the Arlington Zoning Bylaw.

- Irregular Shaped Signs. Sign area for irregular shaped signs is determined by dividing the sign into squares, rectangles, triangles, circles, arcs, or other shapes the area of which is easily calculated.

#### Sign Area for Irregular Shaped Signs

*(See Section 6.2.4(B)(1))*

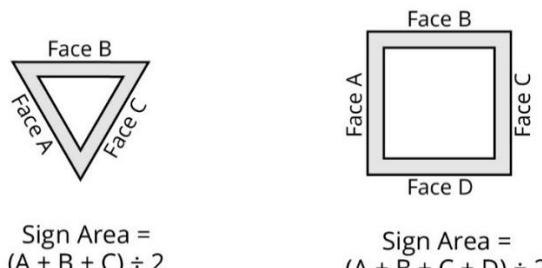
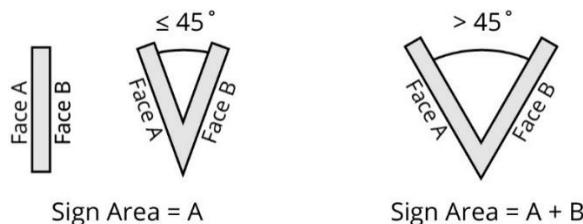


This diagram is included for illustrative purposes only. It is not part of the Arlington Zoning Bylaw.

- **Multi-Face Signs.** Multi-face signs are measured as follows:
  - Two face signs: If the interior angle between the two sign faces is 45 degrees or less and the sign faces are less than 42 inches apart, the sign area is determined by the measurement of one sign face only. If the angle between the two sign faces is greater than 45 degrees, the sign area is the sum of the areas of the two sign faces.
  - Three or four face signs: The sign area is 50 percent of the sum of the areas of all sign faces.

### Sign Area for Multi-Face Signs

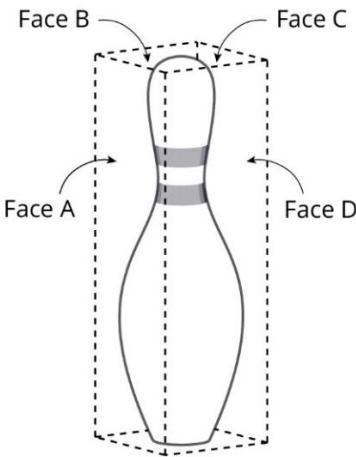
*(See Section 6.2.4(B)(1))*



This diagram is included for illustrative purposes only. It is not part of the Arlington Zoning Bylaw.

- Spherical, free-form, or sculptural sign area is measured as 50 percent of the sum of the areas using only the four vertical sides of the smallest four-sided polyhedron that will encompass the sign structure. Signs with greater than four polyhedron faces are prohibited.

Sign Area for Spherical and Free-form Signs  
(See Section 6.2.4(B)(1))



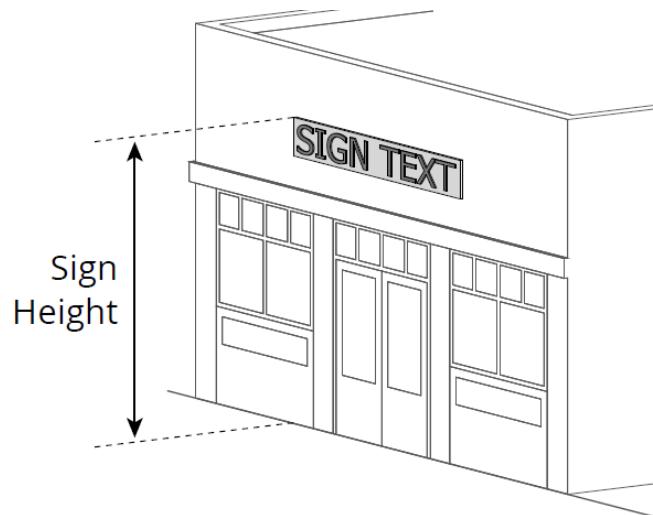
$$\text{Sign Area} = \\ (A + B + C + D) \div 2$$

This diagram is included for illustrative purposes only. It is not part of the Arlington Zoning Bylaw.

- Numerals and letters up to 2 square feet in area used to identify an address are not included in the determination of sign area.
  - (2) Sign Height Measurement. Sign height is measured as follows:
- Building Mounted Sign Height. The height of signs mounted on the wall, fascia, mansard, or parapet is the vertical distance measured from the base of the wall on which the sign is located to the top of the sign or sign structure.

## Building Mounted Sign Height

(See Section 6.2.4(B)(2))

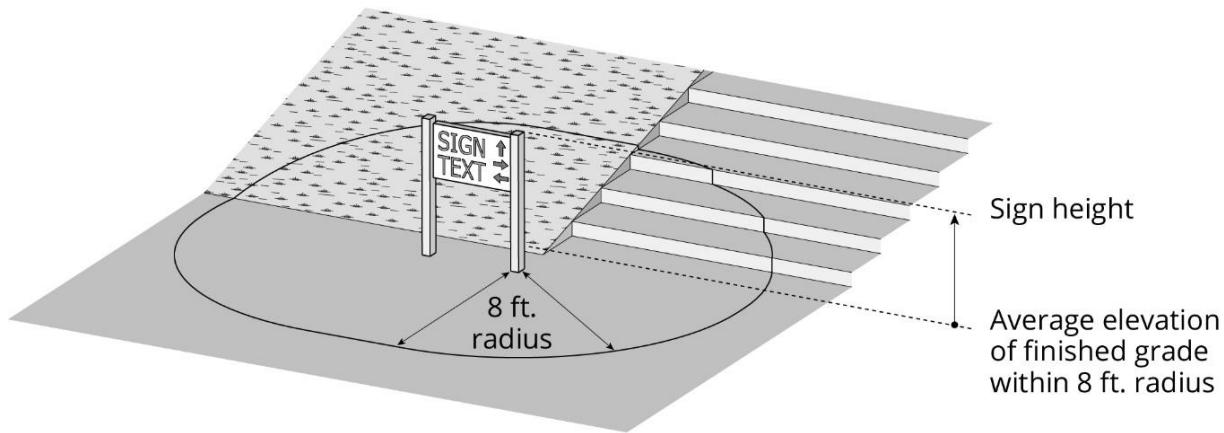


This diagram is included for illustrative purposes only. It is not part of the Arlington Zoning Bylaw.

- **Freestanding Sign Height.** Sign height is measured as the vertical distance from the average elevation of the finished grade within an eight-foot radius from all sides of the sign at the base of a sign to the top of the sign, exclusive of any filling, berthing, mounding or landscaping solely for the purpose of locating the sign, including decorative embellishments.

## Freestanding Sign Height

(See Section 6.2.4(B)(2))



This diagram is included for illustrative purposes only. It is not part of the Arlington Zoning Bylaw.

C. Sign Illumination. All allowed permanent signs may be non-illuminated, illuminated by internal light fixtures, halo illuminated, or illuminated by external indirect illumination, unless otherwise specified. All permanent signs for single-family, two-family, and three-family residences or duplexes and all temporary signs must be non-illuminated.

(1) No sign shall be illuminated between 12:00 AM and 6:00 AM, except signs identifying emergency services such as police and ambulance stations or hospitals and signs on premises open for business during that time.

(2) Internally Illuminated Signs.

- Internally illuminated signs include signs constructed with pan channel letters, preferably without raceways, or internal/indirect halo illuminated channel letters on an unlit or otherwise indistinguishable background on a freestanding sign or building wall.
- Single-color LED signs are considered internally illuminated signs.

(3) Externally Illuminated Signs. Externally illuminated signs must be illuminated only with steady, stationary, fully-shielded light sources directed solely onto the sign without causing glare. The light source for externally illuminated signs must be arranged and shielded to substantially confine all direct light rays to the sign face and away from streets and adjacent properties.

(4) Direct illumination is limited to marquee signs; see Section 6.2.5(C)(6) and is limited to the illumination of letters, numbers, symbols and accents on the marquee sign. Exposed lamps may only be animated to create an effect of patterned illusionary movement provided the alternate or sequential activation of the illuminated elements occurs on a cycle that exceeds two seconds.

D. Neon and Single-Color LED Signs. Neon or single-color LED signs placed in a window count toward the aggregate area for all window signs and must not exceed 25 percent of the area of the window. Any individual neon or single-color LED sign must not exceed four square feet in area. Other uses of neon are prohibited; see Section 6.2.3(C)(4).

E. Structure and Installation. The construction of signs shall be enforced and administered by the Building Inspector. All signs and advertising structures must be designed to comply with the provisions of this Section 6.2 and applicable provisions of the Building and Electrical Codes and constructed to withstand wind loads, dead loads, and lateral forces.

(1) Any angle iron, bracing, guy wires, or similar features used to support a sign must not be visible to the extent technically feasible.

(2) Where electrical service is provided to freestanding signs or building mounted signs, the service must be placed underground and concealed. Electrical service to building mounted signs, including conduit, housings, and wire, must be concealed or, when necessary, painted to match the surface of the structure

upon which they are mounted. A building permit shall be issued prior to installation of any new signs requiring electrical service.

- (3) Raceway cabinets shall only be used in building mounted signs when access to the wall behind the sign is not feasible, shall not extend in width and height beyond the area of the sign, and shall match the color of the building to which it is attached. Where a raceway cabinet provides a contrast background to sign copy, the colored area is counted in the total allowable sign area allowed for the site or business. A raceway cabinet is not a cabinet sign.

#### Raceway Cabinets

*(See Section 6.2.4(E)(3))*



This diagram is included for illustrative purposes only. It is not part of the Arlington Zoning Bylaw.

- (4) All permanent signs allowed by this Section must be constructed of durable materials capable of withstanding continuous exposure to the elements and the conditions of a built-up environment and must be permanently attached to the ground, a building or another structure by direct attachment to a rigid wall, frame, or structure.

F. Sign Maintenance. Unless otherwise specified in this Section, all signs must be maintained by any property owner, lessor, lessee, manager, agent, or other person having lawful possession or control over a building, structure, or parcel of land. Signs must be maintained in a condition or state of equivalent quality to that which was approved or required by the Town of Arlington.

- (1) All signs together with their supports and appurtenances must be maintained in good structural condition, in compliance with applicable Building and Electrical Codes, and in conformance with this Section. Maintenance of a sign includes periodic cleaning, replacement of flickering, burned out or broken light bulbs or fixtures, repair or replacement of any faded, peeled, cracked, or otherwise damaged or broken parts of a sign, and any other activity necessary to restore the sign so that it continues to comply with the requirements and contents of the sign permit issued for its installation and provisions of this Section.

- (2) Required landscaped areas contained by a fixed border, curbed area, wall, or other perimeter structure must receive regular repair and maintenance. Plant materials that do not survive after installation in required landscape areas are required to be replaced within three months.
- (3) The Building Inspector has the authority to order the repair, maintenance, or removal of any sign or sign structure that has not been maintained and is dangerous or in disrepair, or which is erected or maintained contrary to the requirements of this Section.
- (4) Failure to maintain a sign constitutes a violation of this Section and shall be subject to enforcement action, in which case the Building Inspector may order the removal of any sign that is determined to be in disrepair or dangerous pursuant to the provisions of Section 3.1.

#### **6.2.5. Standards for Permanent Signs**

- A. Purpose and Applicability. This Section establishes the standards for permanent building mounted and freestanding signs that are applicable in all districts. Standards for each allowed sign type are provided in tables in Sections 6.2.5(D) and 6.2.5(E). These tables are organized as permanent building mounted and freestanding signs for each sign type. All permanent signs must comply with the standards for sign area, height, number, type, and other requirements provided in these tables.
- B. Sign Districts. The table below summarizes how the Town of Arlington's districts established in Section 4.1 have been combined into sign districts based on similarity of use, building form, and character.

Sign Districts		
Sign District Name	Districts	Description
Residential Sign District	Large Lot Single-Family District (R0) Single-Family District (R1) Two-Family District (R2) Three-Family District (R3)	These districts comprise the vast majority of residential land in Arlington. Signage is limited in these districts, as a variety of allowed signage types could detract from the desired residential character.
Residential/Business Sign District	Townhouse District (R4) Apartment District/Low Density (R5) Apartment District/Medium Density (R6) Apartment District/High Density (R7) Neighborhood Office District (B1) Neighborhood Business District (B2)	These districts generally are located along Massachusetts Avenue, and require a variety of sign types to achieve a diverse, mixed-use character appropriate for neighborhood residential, office, service, and retail uses.
Business Sign District	Major Business District (B2A) Village Business District (B3) Vehicular Oriented Business District (B4) Central Business District (B5)	These districts comprise the major commercial centers in Arlington and require a variety of sign types to achieve a diverse character appropriate for major office, service, and retail uses.
Industrial Sign District	Industrial District (I) Transportation District (T)	These districts allow a number of sign types to achieve a character appropriate for industrial manufacturing, warehousing, and transportation uses.
Multi-Use Sign District	Multi-Use District (MU) Planned Unit Development (PUD)	These districts allow a variety of signage types for larger-scale, multi-use or planned unit developments.
Open Space Sign District	Open Space District (OS)	This district prohibits most sign types, allowing only those necessary to provide information for the primary open space and recreation uses.

C. Allowed Sign Types by Sign District. The table below establishes which sign types are allowed in each Sign District.

Sign Type	Residential <sup>1</sup> (R0, R1, R2, R3)	Residential/ Business <sup>1</sup> (R4, R5, R6, R7, B1, B2)	Business <sup>1</sup> (B2A, B3, B4, B5)	Industrial <sup>1</sup> (I, T)	Multi- Use <sup>1</sup> (MU, PUD)	Open Space <sup>1</sup> (OS)
<b>Building Mounted Signs<sup>2</sup></b>						
Awning Sign		Y	Y	Y	Y	
Bracket Sign		Y	Y		Y	
Canopy Sign			Y		Y	
Directional Sign		Y	Y	Y	Y	
Directory Sign		Y	Y	Y	Y	
Marquee Sign			Y			
Porch Sign	Y	Y				
Projecting Sign			Y	Y	Y	
Service Island Canopy Sign			Y	Y		
Wall Sign	Y	Y	Y	Y	Y	
Window Sign	Y	Y	Y	Y	Y	
<b>Freestanding Signs</b>						
Directory Sign	Y			Y	Y	
Directional Sign		Y	Y	Y	Y	
Freestanding Projecting Sign				Y	Y	Y
Monument Sign			Y	Y		
Post Sign	Y	Y	Y	Y	Y	
<b>End Note:</b>						
<sup>1</sup> For Religious and Educational Uses in all Districts, all permanent sign types are allowed except for the following:						
<ul style="list-style-type: none"> <li>• Awning Sign</li> <li>• Marquee Sign</li> <li>• Projecting Sign</li> <li>• Service Island Canopy Sign</li> </ul>						
<sup>2</sup> In all districts, a building may have no more than two of either an awning sign, wall sign, or a window sign.						

D. Standards for All Permanent Building-Mounted Sign Types. The following sign types are allowed, subject to the criteria listed under each sign type.

(1) Awning Sign. Awning signs must comply with the standards provided in the table below.

Awning Sign Standards	
Standard	Requirements
Sign Area <sup>1</sup>	1 sq. ft. of sign area per linear foot of awning width.
Mounting Height	Min. of 8 ft. from the bottom of the awning to the sidewalk.
Sign Placement	Only above the doors and windows of the ground or second floor of a building. Must not project above, below, or beyond the edges of the face of the building wall or architectural element on which it is located. Sign width shall not be greater than 60% of the width of the awning face or valance on which it is displayed.
Setback from back of curb	Min. 2 ft.
Illumination	Non-illuminated or illumination under the awning.
Permitting	Sign permit required. See Section 6.2.2(A).

**End Notes:**

<sup>1</sup> If an awning is placed on multiple store fronts, each business is allowed signage no greater than 60% of the width of the store front.

This diagram is included for illustrative purposes only. It is not part of the Arlington Zoning Bylaw.



(2) Bracket Sign. Bracket signs must comply with the standards provided in the table below.

Bracket Sign Standards	
Standard	Requirements
Number of Signs	Max. 1 per business.
Sign Area	Max. 12 sq. ft.
Mounting Height	Min. of 8 ft. from the bottom of the sign to the sidewalk. Must be mounted perpendicular to the building face or corner of the building.
Sign Placement	If mounted below the underside of a walkway or overhead structure, must not extend beyond the edge of the structure on which it is located.
Sign Projection	Max. 5 feet from the building façade.
Illumination	Non-illuminated or externally illuminated. See Section 6.2.4(C).
Permitting	Sign permit required. See Section 6.2.2(A).

This diagram is included for illustrative purposes only. It is not part of the Arlington Zoning Bylaw.



(3) **Canopy Sign.** Canopy signs must comply with the standards provided in the table below.

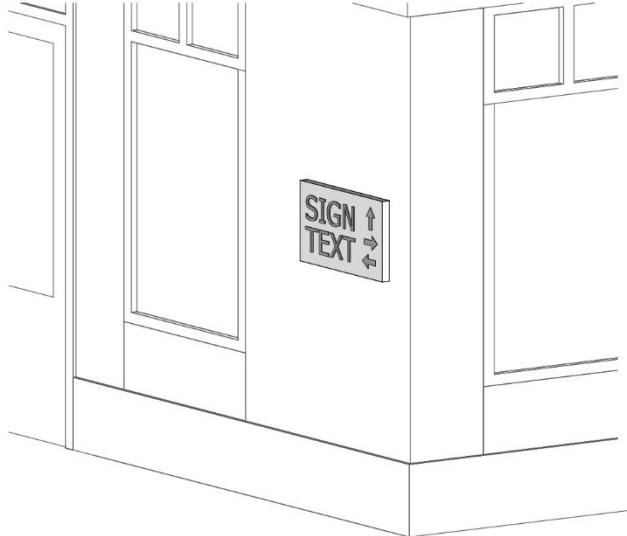
<b>Canopy Sign Standards</b>	
<b>Standard</b>	<b>Requirements</b>
Number of Signs	Max 1 per business.
Sign Area	1 sq. ft. of sign area per linear foot of canopy width.
Mounting Height	Max. 20 ft. on ground floor canopies. Min. of 8 ft. from the bottom of the sign to the sidewalk.
Illumination	Non-illuminated or internal illumination only. See Section 6.2.4(C).
Permitting	Sign permit required. See Section 6.2.2(A).



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(4) **Directional/Driveway Sign.** Directional signs must comply with the standards provided in the table below.

<b>Directional/Driveway Sign Standards</b>	
<b>Standard</b>	<b>Requirements</b>
Number of Signs	Max. 3 per lot. Max. 1 at each driveway or drive-through lane.
Sign Area	Max. 3 sq. ft. per sign face.
Mounting Height	Max. 6 ft. from nearest grade; except, max. 3 ft. at each driveway or drive-through lane.
Illumination	Non-illuminated or internal illumination only. See Section 6.2.4(C).
Permitting	Sign permit required. See Section 6.2.2(A).



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(5) **Directory Sign.** Directory signs must comply with the standards provided in the table below.

Directory Sign Standards	
Standard	Requirements
Number of Signs	Max. 1 per building.
Sign Area	1 sq. ft. per occupant or tenant space. Max. 16 sq. ft.
Mounting Height	Max. 6 ft. from nearest grade.
Illumination	Non-illuminated, internally illuminated, or externally illuminated only. See Section 6.2.4(C).
Permitting	Sign permit required. See Section 6.2.2(A).

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(6) **Marquee Sign.** Marquee signs must comply with the standards provided in the table below.

Marquee Sign Standards	
Standard	Requirements
Number of Signs	1 sq. ft. of sign area per linear foot of marquee width.
Sign Area	Min. of 8 ft. from the bottom of the marquee to the sidewalk.
Mounting Height	Only above the doors and windows of the ground or second floor of a building. Must not project above, below, or beyond the edges of the face of the building wall or architectural element on which it is located. Sign width shall not be greater than 60% of the width of the face of the marquee.
Sign Placement	Min. 2 ft. from back of curb
Illumination	Non-illuminated, internally illuminated, or direct illumination only. See Section 6.2.4(C).
Permitting	Sign permit required. See Section 6.2.2(A).

This diagram is included for illustrative purposes only. It is not part of the Arlington Zoning Bylaw.

Special Provisions	Requirements
Changeable Copy Signs	Equivalent to the total allowable wall sign area. Allowed only as an integral part of a marquee sign. Non-illuminated or internally illuminated. See Section 6.2.4(C). Sign permit required. See Section 6.2.2(A).

(7) Porch Sign. Porch signs must comply with the standards provided in the table below.

Porch Sign Standards	
Standard	Requirements
Number of Signs	Max. 1 per building.
Sign Area and Dimensions	Max. 6 sq. ft.; Max. dimension of any side 3 ft.
Mounting Height	Min. 6 ft. 8 inches from the porch floor.
Sign Placement	Mounted on a beam or other structure parallel to the face of the building.
Illumination	Non-illuminated or externally illuminated. See Section 6.2.4(C).
Permitting	Sign permit required. See Section 6.2.2(A).



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(8) Projecting Sign. Projecting signs must comply with the standards provided in the table below.

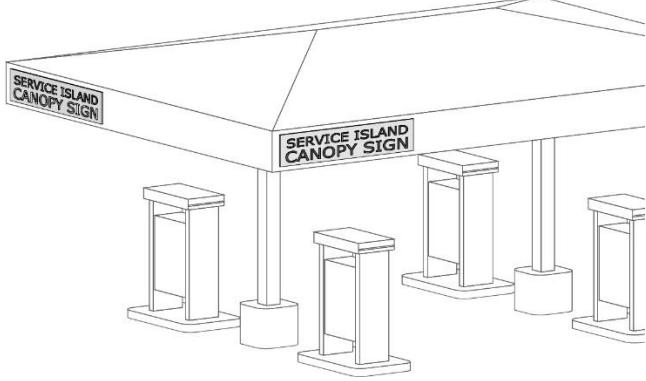
Projecting Sign Standards	
Standard	Requirements
Number of Signs	Max. 1 per business.
Sign Area	Max. 16 sq. ft.
Sign Width	Max. 2 ft.
Mounting Height	Min. of 8 ft. from the bottom of the sign to the sidewalk.
Sign Placement	Only on the wall of a building and must not project above the plate line.
Projection	Max. 12 inches from the wall.
Illumination	Non-illuminated, internally illuminated, or externally illuminated. See Section 6.2.4(C).
Permitting	Sign permit required. See Section 6.2.2(A).



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(9) Service Island Canopy Sign. Service island canopy signs must comply with the standards provided in the table below.

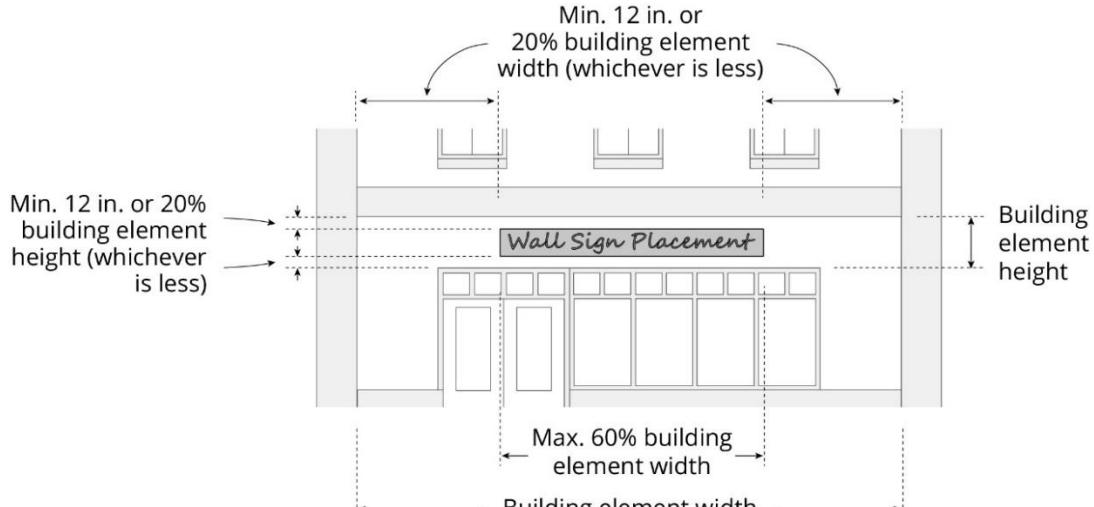
Service Island Canopy Sign Standards	
Standard	Requirements
Number of Signs	Max. 2; 1 per canopy façade.
Sign Area	Max. 20 sq. ft.
Illumination	Non-illuminated or internally illuminated. See Section 6.2.4(C).
Permitting	Sign permit required. See Section 6.2.2(A).



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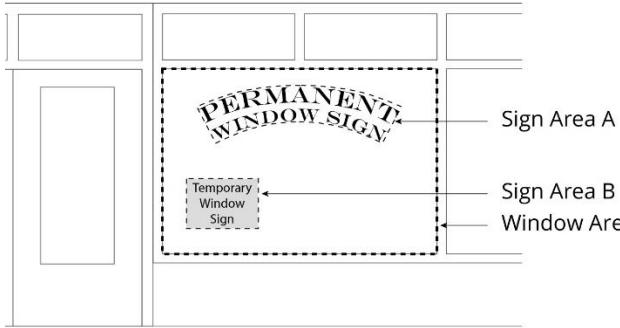
(10) Wall Sign. Wall signs must comply with the standards provided in the table below.

Wall Sign Standards		
Standard	Requirements	
	Sign Area and Number of Signs <sup>1</sup>	Sign Height
Residential Sign District:	Max. 1; Max. 4 sq. ft. per residence	Max. 6 ft. to the nearest grade
Residential/Business Sign District:	Max. 1 per residence; Max. 4 sq. ft. Max. 1 per frontage for businesses; Max. 20 sq. ft.	Max. 6 ft. to the nearest grade
Business Sign District:	Max. 1 per frontage; Max. 40 sq. ft. per business	Max. 25 ft.
Multi-Use Sign District:	Max. 1 per frontage; Max. 40 sq. ft. per business	Max. 25 ft.
Industrial Sign District:	Max. 1 per frontage; Max. 40 sq. ft per business	Max. 25 ft.
Open Space Sign District:	Max. 1; Max. 12 sq. ft.	Max. 10 ft. to the nearest grade
Institutional Use in All Districts:	2 signs per frontage; 1 sign max. 20 sq. ft. and 1 sign max 10 sq. ft. (1 sign may be a freestanding sign max. 10 sq. ft.).	Max. 10 ft. to the nearest grade

Wall Sign Standards	
Sign Placement	<p>The total sign area for signs on single-tenant or multi-tenant buildings may be placed on any building elevation, subject to the following standards:</p> <ol style="list-style-type: none"> <li>(1) At least 1 sign must be placed above or associated with the building entry;</li> <li>(2) The width of the sign shall be no greater than 60% of the width of the building element on which it is displayed;</li> <li>(3) Signs shall be placed at least 12 inches or 20% of the width of the building element on which they are mounted, whichever is less, from the sides of the building element;</li> <li>(4) Signs shall be placed at least 12 inches or 20% of the height of the building element on which they are mounted, whichever is less, from the top and bottom edge of the building element; and</li> <li>(5) Signs shall be placed no higher than the lowest of the following: <ul style="list-style-type: none"> <li>• 25 ft. above grade;</li> <li>• The bottom of the sill of the first level of windows above the first story; or</li> <li>• The cornice line of the building at the building line.</li> </ul> </li> </ol>
Illumination	Non-illuminated, internally illuminated, or externally illuminated. See Section 6.2.4(C).
Permitting	Sign permit is required, except for single-family, two-family, and three-family residences and duplexes. See Section 6.2.2(A).
	
<p>This diagram is included for illustrative purposes only. It is not part of the Arlington Zoning Bylaw.</p>	
Special Provisions	Requirements
Painted Wall Signs	<p>Painted wall signs are allowed on any exterior building wall of an individual tenant space or building.</p> <p>Painted wall signs are included in the total allowable area for wall signs. The allowable area for a painted wall sign shall be increased by 10%.</p> <p>Must be professionally painted.</p> <p>Non-illuminated or externally illuminated. See Section 6.2.4(C).</p>
<p><b>End Note:</b></p> <p><sup>1</sup> In any B, I or PUD district, one wall sign is permitted for each street or parking lot frontage for each establishment.</p>	

(11) **Window Sign.** Window signs must comply with the standards provided in the table below.

Window Sign Standards	
Standard	Requirements
Sign Area	Combined area of permanent and temporary window signs must not exceed 25% of the area of the window where they are displayed.
Sign Placement	No higher than 2 <sup>nd</sup> story windows. Inside mounting required.
Illumination	Non-illuminated or externally illuminated only. Neon and single-color LED in some applications. See Section 6.2.4(C).
Permitting	Sign permit required. See Section 6.2.2(A).



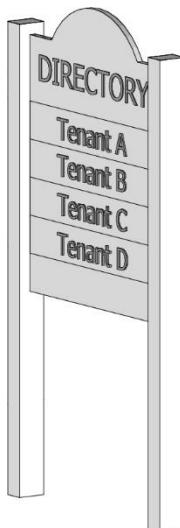
Sign Area A + Sign Area B ≤ 25% Window Area

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E. **Standards for All Permanent Freestanding Sign Types.** The following sign types are allowed, subject to the criteria listed under each sign type.

(1) **Directory Sign.** Directory signs must comply with the standards provided in the table below.

Directory Sign Standards	
Standard	Requirements
Number of Signs	Max. 1 per building.
Sign Area	1 sq. ft. per occupant or tenant space. Max 12 sq. ft.
Height	Max. 6 ft. from nearest grade.
Illumination	Non-illuminated, internally illuminated, or externally illuminated only. See Section 6.2.4(C).
Permitting	Sign permit required. See Section 6.2.2(A).



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(2) **Freestanding Projecting Sign.** Freestanding projecting signs must comply with the standards provided in the table below.

Freestanding Projecting Sign Standards	
Standard	Requirements
Number of Signs	1 per lot.
Sign Area	Max. 4 sq. ft.; Max. dimension of the longest side 2 ft.
Height	Max. 6 ft.
Sign Placement	Min. 5 ft. setback from property line. See also Section 6.2.3(A)(3).
Illumination	Non-illuminated or externally illuminated with down directed, fully shielded fixtures only. See Section 6.2.4(C).
Permitting	Sign permit is required. See Section 6.2.2(A).



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(3) **Monument Sign.** Monument signs must comply with the standards provided in the table below.

Monument Signs Standards		
Standard	Requirements	
	Sign Area and Number of Signs	Sign Height
Residential/Business Sign District:	Max. 1 per residence and 1 per frontage for businesses; Max. 8 sq. ft.	Max. 4 ft. to the nearest grade
Business Sign District:	Max. 1 per frontage; Max. 24 sq. ft.	Max. 8 ft. to the nearest grade
Multi-Use Sign District:	Max. 1 per frontage; Max. 24 sq. ft.	Max. 12 ft. to the nearest grade
Open Space Sign District:	Max. 1 per frontage; Max. 12 sq. ft.	Max. 6 ft. to the nearest grade
Industrial Sign District:	Max. 1 per frontage; Max. 24 sq. ft.	Max. 6 ft. to the nearest grade
Institutional Use in All Districts:	Max. 1 per frontage; Max. 10 sq. ft.	Max. 6 ft. to the nearest grade
Sign Placement	Business, Industrial, Multi-Use and Open Space Sign District: Min. 5 ft. setback from property line. Residential and Residential/Business Sign District: Min. 10 ft. from property line. See also Section 6.2.3(A)(3).	
Illumination	Non-illuminated or externally illuminated. See Section 6.2.4(C).	
Permitting	Sign permit is required. See Section 6.2.2(A).	

## Monument Signs Standards



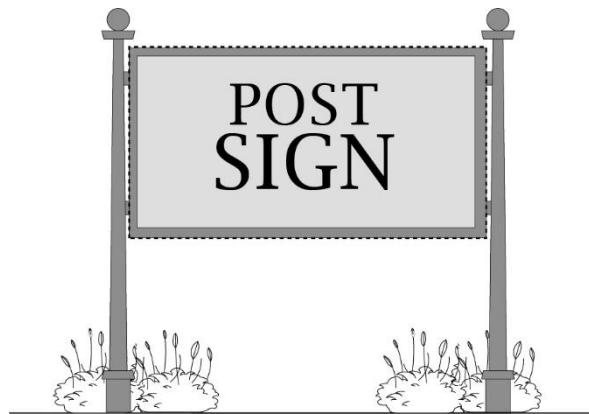
This diagram is included for illustrative purposes only. It is not part of the Arlington Zoning Bylaw.

Special Provisions	Requirements
Name of Property	The name of a property is included in the area and height limits for freestanding signs.
Landscaping	A landscaped area consisting of shrubs, and/or perennial ground cover plants with a max. spacing of 3 ft. on center is required around the base of the signs. The landscape area must be a min. of 2 sq. ft. for each 1 sq. ft. of sign area.

(4) Post Sign. Post signs must comply with the standards provided in the table below.

Post Signs Standards		
Standard	Requirements	
	Sign Area and Number of Signs	Sign Height
Residential/Business Sign District:	Max. 1 per residence and 1 per frontage for businesses; Max. 8 sq. ft.	Max. 4 ft. to the nearest grade
Business Sign District:	Max. 1 per frontage; Max. 24 sq. ft.	Max. 8 ft. to the nearest grade
Multi-Use Sign District:	Max. 1 per frontage; Max. 24 sq. ft.	Max. 8 ft. to the nearest grade
Open Space Sign District:	Max. 1 per frontage; Max. 12 sq. ft.	Max. 6 ft. to the nearest grade
Industrial Sign District:	Max. 1 per frontage; Max. 24 sq. ft.	Max. 6 ft. to the nearest grade
Institutional Use in All Districts:	Max. 1 per frontage; Max. 10 sq. ft.	Max. 6 ft. to the nearest grade
Sign Placement	Business, Industrial, Multi-Use and Open Space Sign District: Min. 5 ft. setback from property line. Residential and Residential/Business Sign District: Min. 10 ft. from property line. See also Section 6.2.3(A)(3).	
Illumination	Non-illuminated or externally illuminated. See Section 6.2.4C).	
Permitting	Sign Permit is required. See Section 6.2.2(A).	

## Post Signs Standards



This diagram is included for illustrative purposes only. It is not part of the Arlington Zoning Bylaw.

#### F. Billboards.

- (1) No person, firm, association, or corporation shall erect, display or maintain a billboard, except those exempted by [G.L. c. 93, § 30](#) and [32](#).
- (2) No billboard shall be erected, displayed, or maintained in any block in which one-half of the buildings on both sides of the street are used exclusively for residential purposes; except that this provision shall not apply if the written consent of the owners of the majority of the frontages on both sides of the street in such block is first obtained and is filed with the Select Board or the Massachusetts Department of Transportation (MassDOT) Office of Outdoor Advertising, together with the application for a Permit for the billboard.
- (3) Requirements for Billboards. Billboards are subject to the permit requirements established by the MassDOT Office of Outdoor Advertising. In addition, the following standards apply.
  - A maximum of one billboard is allowed per lot.
  - A billboard may not be located within 50 feet of any public right-of-way.
  - A billboard may not be located within 50 feet of another billboard, unless they are placed back-to-back billboards on the same structure.
  - A billboard may not be located in any Residential District or Planned Unit Development District unless specifically exempt by the applicable regulations of the MassDOT Office of Outdoor Advertising.
  - A billboard may not be located in any B or I District when:
    - On any block in which one-half or more of the buildings on both sides of the street are used partially or wholly for residential purposes;
    - On the premises of or within 300 feet of a district, site, building, structure or object which is listed in the National

Register of Historic Places in accordance with [P. L. 89-665, 805.915 \(1966\)](#) as amended;

- On the premises of or within 300 feet of any church, chapel, synagogue, school, public playground, hospital, municipal building (including without limitation town hall, fire and police stations and public library buildings, MBTA station), museum, public park or reservation, a permanently erected memorial to veterans or monument;
- Within 200 feet of the 100-year flood line of the Alewife Brook, Mystic Lake, Mystic River, Mill Brook, Spy Pond or any wetlands shown on the floodplain and wetland overlay of the Zoning Map of the Town of Arlington;
- Within a radius of 150 feet from the point where the centerlines of two or more public ways intersect;
- Exceeding a height of 30 feet measured from the ground surface;
- Upon the roof of any building;
- Exceeding an area of 300 square feet or one-half square foot per foot of lot frontage or, in the case of wall signs, of one-sixth of the area of said wall, whichever is smaller;
- Containing a sign face with a vertical dimension more than 12 feet;
- Nearer than 100 feet to any public way, if within view of any portion of the same, if such billboard shall exceed a length of eight feet or a height of four feet;
- Nearer than 300 feet to any public way, if within view of any portion of the same, if such billboard shall exceed a length of 25 feet or a height of 12 feet; or
- In any event if such billboard shall exceed a length of 50 feet or a height of 12 feet; except that the Select Board may permit the erection of billboards which do not exceed 40 feet in length and 15 feet in height if not nearer than 300 feet to the boundary line of any public way.

(4) No billboard shall be erected, displayed or maintained without a license from the Select Board pursuant to the following provisions:

- (i) Upon receipt of an application for a permit to erect, display or maintain a billboard within the limits of the Town of Arlington has been received by it, the Select Board shall hold a public hearing on the said application in the Town, notice of which shall be given by posting the same in three or more public places in the Town at least one week before the date of the such hearing.
- (ii) A written statement as to the decision of the Board results shall be forwarded to the applicant within 30 days from the date of notice of the Town that an application for a permit had been made. In the event of a disapproval of the such application, the Board shall provide

reasons for the disapproval within 30 days from the date of notice of the Town that an application for such a permit had been made

- (5) This Subsection shall not apply to billboards erected and maintained in conformity with law, which advertise or indicate either the person occupying the premises in question or the business transacted thereon, or advertising the property itself or any part thereof as for sale or to let and which contain no other advertising matter and provided further that this Bylaw shall not apply to billboards legally maintained, at the time of its approval by the Attorney-General, until one year from the first day of July following such approval.

#### **6.2.6. Standards for Portable Signs and Temporary Signs**

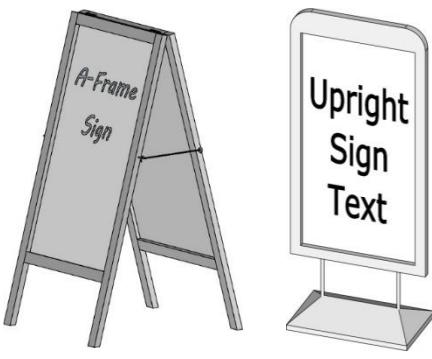
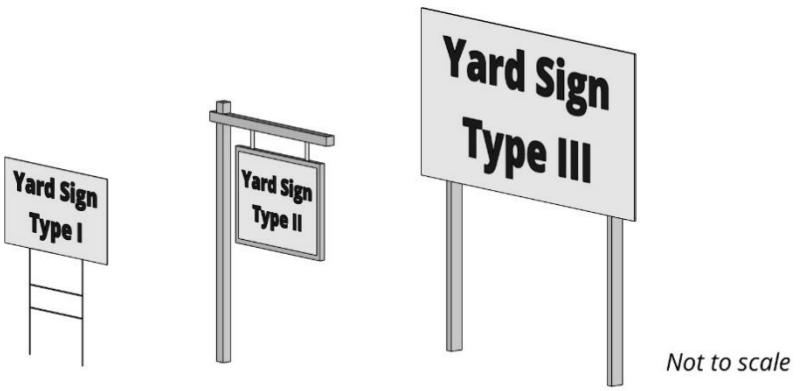
A. General to All. Portable and temporary signs are allowed only in compliance with the provisions of this Section.

- (1) A temporary sign permit is required for the display of temporary wall banner signs. All portable signs may be installed without a temporary sign permit, except that A-frame and upright signs placed in the public right-of-way require a temporary sign permit.
- (2) There is no limitation on the length of time that a portable sign may be displayed except as provided in Section 6.2.6(C).
- (3) Portable signs must be placed in a manner allowing traffic visibility for street corners and driveways, in accordance with Section 6.2.3(A).
- (4) Portable and temporary signs are not counted toward the total allowable sign area or number of permanent signs.

B. Standards for All Portable Signs and Temporary Signs. Portable and temporary signs are allowed in all zoning districts in compliance with the time, place, and manner restrictions provided in this Section.

Standards for All Portable Signs and Temporary Signs	
Applicable to All Districts	
Placement	Sign placement must not create a hazard for pedestrian or vehicular traffic and must allow for a 4-foot wide sidewalk to comply with the Americans with Disabilities Act.
Prohibited Elements	Illumination, including flashing, blinking, or rotating lights; animation; reflective materials; and attachments, including balloons, ribbons, loudspeakers, etc.
Design and Construction	Signs must be of sufficient weight and durability to withstand wind gusts, storms, etc., for the safety of pedestrians, bicyclists, and vehicles.
Permitting	See Section 6.2.2(B).
All Residential Sign Districts	
Allowed Sign Types	Yard Sign Types I and II; and Window Signs.
Total Sign Area	Max. 16 sq. ft. per lot; excludes the area of temporary window signs.
Number of Signs	Unlimited, except that the total sign area must not exceed 16 sq. ft.
All Non-Residential Sign Districts	
Allowed Sign Types	A-Frame or Upright Signs; Yard Sign Type I, II, and III; Wall Banners; and Window Signs.
Total Sign Area	Max. 24 sq. ft. per business; excludes the area of temporary wall banner signs and window signs.
Number of Signs	Unlimited, except that the total sign area must not exceed 24 sq. ft. per business.

C. Standards for Specific Portable and Temporary Sign Types. All portable and temporary sign types must comply with the standards provided in this Section. Portable and temporary sign types not included in this table are not allowed.

Standards for Specific Portable and Temporary Signs				
Sign Type	Standard			Other Requirements
	Max. Height	Max. Width	Max. Area	
<b>Portable Signs<sup>1</sup></b>				
A-Frame or Upright Sign	4 ft.	3 ft.	12 sq. ft.	
				
This diagram is included for illustrative purposes only. It is not part of the Arlington Zoning Bylaw.				
Yard Sign Type I	4 ft.	2 ft.	3 sq. ft.	Sign must be installed securely in the ground.
Yard Sign Type II	6 ft.	2 ft.	4 sq. ft.	Sign must be installed securely in the ground.
Yard Sign Type III	6 ft.	8 ft.	32 sq. ft.	Sign must be installed securely in the ground.
				
This diagram is included for illustrative purposes only. It is not part of the Arlington Zoning Bylaw.				

Standards for Specific Portable and Temporary Signs			
<b>Temporary Signs</b>			
Wall Banner	-	-	32 sq. ft. Signs must be mounted on a building wall or on T-posts or stakes installed 6 inches or less from the wall. Signs may only be displayed for a maximum of 60 calendar days per calendar year.
			
<p>This diagram is included for illustrative purposes only. It is not part of the Arlington Zoning Bylaw.</p>			
Window Sign	-	-	Max. 25% <sup>2</sup> Signs may not be placed higher than 2 <sup>nd</sup> story windows. Inside mounting required.
<p><b>End Notes:</b></p> <p><sup>1</sup> Other portable sign types may be allowed (e.g. fuel pump topper signs wraps around waste receptacles) provided the max. area limitation for all portable signs is not exceeded.</p> <p><sup>2</sup> The total area of temporary and permanent window signs must not exceed 25% of the area of the window on which they are displayed.</p>			

### 6.2.7. Nonconforming Signs

- A. If at the effective date of February 14, 2019 any sign which is being used in a manner or for a purpose which is otherwise lawful but does not comply with the provisions of this Section 6.2, shall be deemed legal but nonconforming.
- B. Nonconforming signs are required to be maintained in good condition in compliance with Section 6.2.4. Nothing in this Section affects an existing sign or the right to its continued use for the purpose used at the time this Section takes effect, nor to make any reasonable repairs or alterations.
- C. A legal nonconforming sign that has been damaged or has deteriorated to such an extent that the cost of restoration would exceed 35 percent of the replacement cost of the sign at the time of restoration, must be removed or repaired, rebuilt or replaced only in compliance with the provisions of this Section 6.2.
- D. Removal of a nonconforming sign, or replacement of a nonconforming sign with a conforming sign, is required when the use of the sign and/or the property on which

the sign is located has been abandoned, ceased operations, become vacant, or been unoccupied for a period of 180 consecutive days or more as long as the period of non-use is attributable at least in part to the property owner, tenant, or other person or entity in control of the use. For purposes of this Section, rental payments or lease payments and taxes shall not be considered as a continued use. In the event this should occur, these conditions will be considered as evidence of abandonment, requiring removal of the nonconforming sign by the owner of the property, their agent, or person having the beneficial use of the property, building or structure upon which the nonconforming sign or sign structure is erected within 30 days after written notification from the Building Inspector. If, within the 30-day period, the nonconforming sign is not removed, enforcement action consistent with Section 3.1 shall be pursued.

- E. In no event will the degree of nonconformity of any sign or type of signage be increased.
- F. Illegal signs shall not be considered to be nonconforming signs.

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## **6.3 PUBLIC SHADE TREES**

### **6.3.1. Purpose**

The purpose of this Section 6.3 is to:

- A. Provide for adequate shade tree coverage along Arlington's main corridors;
- B. Implement carbon neutral policies of the Town of Arlington;
- C. Address heat island effects emanating from Arlington's main corridors;
- D. Enhance public health and walkability with proper shading.

### **6.3.2. Applicability**

In the Business Districts, new construction, additions over 50% of the existing footprint, or redevelopment subject to review by the Arlington Redevelopment Board shall provide one public shade tree every 25 linear feet of lot frontage along the public way.

### **6.3.3. Administration**

- A. This Section 6.3 shall be administered subject to Sections 3.3, Special Permits, and 3.4, Environmental Design Review, by the Arlington Redevelopment Board.
- B. After the effective date of this Bylaw, public shade trees shall be provided for any applicable use noted above and subject to Section 3.4, Environmental Design Review, and in accordance with the Standards established in this Section 6.3.

### **6.3.4. Standards**

- A.** Street trees shall be planted within existing and proposed planting strips, and in sidewalk tree wells on streets without planting strips.
- B.** Trees shall be selected from the approved tree list set forth by the Tree Committee and approved by the Tree Warden.
- C.** When planted, trees must be a minimum height of ten (10) feet or two (2) inches in caliper.
- D.** All new trees shall be maintained in accordance with American Standard for Nursery Stock standards for a period of no less than 36 months from the date of planting, or other standards the Redevelopment Board may designate. Properties in which there are preexisting public shade trees at the required spacing along the public way are exempt.
- E.** Where there is no other suitable location within the public way, shade trees may be proposed in locations within the lot, or in exceptional circumstances the Arlington Redevelopment Board may allow the owner to make a financial contribution to the Arlington Tree Fund.

The Arlington Redevelopment Board may grant an increase in spacing between plantings where a new planting would conflict with existing trees, retaining walls, utilities, and similar physical barriers, or other curbside uses.

### **6.3.5. Computation**

When computation of the number of public shade trees results in a fractional number, any result of 0.5 or more shall be rounded up to the next consecutive whole number. Any fractional result of less than 0.5 may be rounded down to the previous consecutive whole number. The Arlington Redevelopment Board may allow the owner to make a financial contribution to the Arlington Tree Fund in an amount equivalent to the full and fair market value of the additional whole tree.

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## **6.4 SOLAR ENERGY SYSTEMS**

### **6.4.1. Requirement for Solar Energy Systems**

A project requiring Environmental Design Review per Section 3.4.2 of this Bylaw shall include a solar energy system that is equivalent to at least fifty percent of the roof area of the building or buildings that are the subject of the review. Where a site includes a parking

structure, the structure shall also have a solar energy system that covers at least ninety percent of its top level.

The Arlington Redevelopment Board may adopt rules and regulations to specify the information required to be in an application for Environmental Design Review to implement Section 6.4 of this Bylaw.

#### **6.4.2. Exemptions**

A solar energy system on the roof of a building or other structure is not required:

- A. Where there is no solar ready zone; or the solar ready zone is shaded for more than fifty percent of daylight hours annually;
- B. For an existing building or building conversion with insufficient structural load capacity;
- C. For a building in a Historic District when the relevant Historic District Commission has denied a certificate of appropriateness, non-applicability, or hardship to allow a solar energy system on the building under the standards and procedures set forth in the Town Bylaws Title VII, Historic Districts;
- D. When an application for an Environmental Design Review is for
  - (1) A change of use alone;
  - (2) An alteration to the façade that does not affect the architectural integrity of the structure per Section 3.4.2 of this Bylaw;
  - (3) Outdoor uses per Section 3.4.2(H) of this Bylaw;
  - (4) Temporary, seasonal signage per Section 3.4.2(I) of this Bylaw; or
  - (5) Sign approval per Section 6.2 of this Bylaw.
- E. When inconsistent with reasonable regulation of religious, non-profit educational, and childcare facilities used primarily for such purposes as set forth in G.L. c. 40A, §3, as implemented by section 3.5 of this Bylaw and the regulations adopted thereunder.

The requirements of this Section may be reduced or waived when the applicant proposes, and the Arlington Redevelopment Board determines there is a better alternative that meets the goals of this Section 6.4.

#### **6.4.3. Location and Safety**

- A. Emergency Access. Solar energy systems shall be mounted to ensure emergency access to the roof, provide pathways to specific areas of the roof, provide for smoke ventilation systems, and provide emergency egress from the roof, as required by the Massachusetts Fire Code.
- B. Safety. A roof-mounted solar energy system shall be located so that it does not result in shedding of ice or snow from the roof onto a porch, balcony, stairwell, or pedestrian travel area.

C. Solar Energy Systems shall not be counted in determining the height and gross floor area of buildings.

#### 6.4.4. Neighboring Properties

The placement of a solar energy system on a building, as required by Section 6.4.1 of this Bylaw, cannot preclude a neighboring property owner from constructing, renovating, or expanding a building to the full extent allowed by zoning, even if the neighboring property owner's building would partially or fully shade the installed solar energy system, subject to any requirements that are set forth in a Special Permit per Section 3.3 of this Bylaw and through Environmental Design Review per Section 3.4 of this Bylaw. Nor can the placement of a solar energy system on a building, as required by Section 6.4.1 of this Bylaw, require that a neighboring property owner prune an existing shade tree or abstain from planting a shade tree so as to prevent future shading of the installed solar energy system.



## **SECTION 7. SPECIAL PERMITS**

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### **7.1 REMOVAL OF SAND, GRAVEL, QUARRY OR OTHER EARTH MATERIALS**

No sod, loam, sand, gravel or quarry stone shall be removed for sale (except when incidental to and in conformity with the construction of a building for which a permit has been issued in accordance with the State Building Code), except by permission of Board of Appeals.



## SECTION 8. SPECIAL REGULATIONS

### 8.1 NONCONFORMING USES AND STRUCTURES

#### 8.1.1. **Applicability**

- A. Except as provided in this Section, this Bylaw shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building permit or special permit issued before the first publication of notice of the public hearing on this Bylaw (December 14, 2017). However, this Bylaw shall apply to any change or substantial extension of such use, or to a building permit or special permit issued after the first notice of said public hearing, or to any reconstruction, extension, or structural change of such structure and to any alteration of a structure begun after the first notice of said public hearing to provide for its use in a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent, except where alteration, reconstruction, extension, or a structural change to a single family or two-family residential structure does not increase the nonconforming nature of said structure. Pre-existing nonconforming structures or uses may be extended or altered, provided, that no such extension or alteration shall be permitted unless there is a finding by the Board of Appeals that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming structure or use to the neighborhood. It is the purpose of this Bylaw to discourage the perpetuity of nonconforming uses and structures whenever possible.
- B. Construction or operations under a building permit or special permit shall conform to any subsequent amendments to this Bylaw unless the use or construction is commenced within a period of not more than twelve months after the issuance of the permit and in any case involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

#### 8.1.2. **Nonconforming Uses**

Unless the Board of Appeals has made the finding provided for in [G.L. c. 40A, § 6](#) and Section 8.1.1 above:

- A. Any nonconforming use, except for agriculture, horticulture, or floriculture, of any open space on a lot outside a structure, or of a lot not occupied by a structure, shall not be extended.
- B. Any nonconforming principal use of a structure shall not be extended. However, any nonconforming use of structure may be changed to another nonconforming use by special permit provided the Board of Appeals finds that the new use is not a substantially different use and not more detrimental to the neighborhood than the existing use.
- C. Any nonconforming accessory use of a portion of a structure or any conforming accessory use of a portion of a nonconforming structure may be extended up to a maximum of 40% of the floor area of the existing structure.

D. Any nonconforming use which has been once changed to a permitted use shall not again be changed to another nonconforming use.

**8.1.3. Nonconforming Single-Family or Two-Family Dwellings**

A. Alteration, reconstruction, extension, or structural change to a single or two-family residential structure that is completely within the existing foundation walls does not increase the nonconforming nature of said structure.

B. No alteration, reconstruction, extension, or structural change to a single or two-family residential structure that increases the nonconforming nature of said structure shall be permitted unless there is a finding by the Board of Appeals that the proposed alteration, reconstruction, extension, or structural change will not be substantially more detrimental to the neighborhood.

C. The extension of an exterior wall of a single-family or two-family residential structure along a line at the same nonconforming distance within a required setback may be allowed providing that the extension creates no new nonconformities, nor increases any open space nonconformities, and that no such extension shall be permitted unless there is a finding by the Special Permit Granting Authority that the extension shall not be substantially more detrimental to the neighborhood than the existing nonconforming dwelling. In making such a finding, the Special Permit Granting Authority shall assess the dimensions and proposed setback of the alteration in relationship to abutting structures and uses.

D. Any lot lawfully laid out by plan or deed duly recorded which complies (at the time of recording) with the minimum area, frontage, width, and depth requirements, if any, of the zoning bylaw then in effect, may be built upon for residential use provided it has a minimum area of 5,000 square feet, with a minimum front footage of 50 feet, and is otherwise in accordance with the provisions of [G.L. c. 40A, § 6](#).

E. The creation or addition of an accessory dwelling unit within an existing single-family dwelling, two-family dwelling, or duplex dwelling, or within an existing accessory building on the same lot as any such dwelling, does not increase or affect the nonconforming nature of said existing dwelling or accessory building, and shall not cause such dwelling or accessory building to become non-conforming or result in any additional dimensional requirements with respect to such dwelling or accessory building, provided that such creation or addition of an accessory dwelling unit neither expands the footprint nor the height of said dwelling or accessory building, in each case except (i) for changes necessary to provide for required egress or other modification to meet the State Building Code and State Fire Code, (ii) for any projects allowed under Section 5.3.9, and (iii) to the extent authorized by a special permit issued pursuant to clause (iii) of Section 5.9.2.B(1), fifth bullet.

#### 8.1.4. Nonconforming Structures Other Than Single-Family or Two-Family Dwellings

Except as provided in Section 8.1.8 below, the following shall apply to nonconforming structures other than single-family or two-family dwellings.

- A. Any nonconforming structure may be altered and the conforming use extended throughout the altered portion, provided that any resulting alteration shall not cause the structure to further violate the dimensional and density regulations of the district in which it is located.
- B. No building area or floor area, where already nonconforming, shall be increased so as to create a greater non-conformity.
- C. Any lawful nonconforming structure or portion thereof which has come into conformity shall not again become nonconforming.
- D. Any nonconforming structure shall not be moved to any other location on the lot or any other lot unless every portion of the structure, the use thereof, and the lot shall be conforming.
- E. ~~Except as covered under Section 8.1.7, any structure determined to be unsafe may be restored to a safe condition, provided the work on any nonconforming structure shall be completed within one year of the determination that the structure is unsafe and the restoration work shall not place the structure in greater nonconformity. A structure may be exempted from this provision by a special permit from the Board of Appeals or, in cases subject to Environmental Design Review in Section 3.4, the Arlington Redevelopment Board.~~

#### 8.1.5. Unsafe Structure

Except as covered under Section 8.1.7, any structure determined to be unsafe by the Director of Inspectional Services or their designee, as authorized under the provisions of G.L. c.143, may be restored to a safe condition, provided such work on any nonconforming structure shall be completed within one year of the determination that the structure is unsafe and it shall not place the structure in greater nonconformity. A structure may be exempted from this provision by a special permit granted by the Board of Appeals or, in cases subject to Environmental Design Review, Section 3.4., the Arlington Redevelopment Board.

#### 8.1.6. Reduction or Increase

- A. Any lot, or open space on a lot, including yards and setbacks shall not be reduced or changed in area or shape so that the lot, open space, yard, or setback is made nonconforming or more nonconforming unless a special permit has been granted under Section 8.1.3. However, this section shall not apply in the case of a lot a portion of which is taken for a public purpose.
- B. Any nonconforming lot which has come into conformity shall not again be changed to a nonconforming lot.
- C. Any off-street parking or loading spaces, if already equal to or less than the number required to serve their intended use, shall not be further reduced in number.

### 8.1.7. Restoration, Abandonment, or Non-Use

- A. Any nonconforming structure or any structure occupied by a nonconforming use, which is damaged by fire or other natural cause, may be repaired or rebuilt according to the dimensions and floor area limitations of the original structure and used for its original nonconforming use or a conforming use. If such restoration is not started within one year of the cause of the damage, the repaired structure shall not be used except for a conforming use.
- B. Any nonconforming use of a conforming structure and lot which has been abandoned, demolished without reconstruction, or not used for a continuous period of two years, shall lose its protected status and be subject to all provisions of this Bylaw. The abandonment period for agriculture, horticulture, or floriculture shall be five years.
- C. A nonconforming use shall be considered abandoned when the premises have been devoted to another use, or when the characteristic equipment and the furnishing of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within two years unless other facts show intention to resume the nonconforming use.

### 8.1.8. Repair, Reconstruction, Extension, Addition

Special Permit uses are a special class of uses not existing as of right. Except as hereinafter provided, whenever a structure or lot is occupied by a use such as would require a special permit pursuant to Section 3.3, and Section 3.4 when applicable, if such activity were to commence as a new use thereon, then any reconstruction, alteration, addition or extension of such use or of an existing or destroyed structure shall be undertaken only pursuant to special permit(s) issued therefore, except when or for:

- A. A damaged or unsafe structure occupied by a use under previously granted special permit(s) may be repaired or reconstructed for such use in accordance with the same terms and conditions, if any, attached to such permit(s).
- B. A damaged or unsafe structure occupied by a use not under previously granted special permit(s) may be repaired or reconstructed for such use without such permit(s) provided that the cost of such repair or construction does not exceed 50% of the physical replacement value of the previously existing structure(s).
- C. Interior renovations are done without any addition to the gross floor area of the existing structure(s).
- D. Reconstruction, alteration, or additions to a structure occupied by a use under previously granted special permit(s) for such activity provided that the addition does not exceed the lesser of 500 square feet or 25% of the gross floor area in existing structure(s) and that no such activity violates any condition(s) attached to such permit(s).

None of the foregoing exceptions shall exempt any construction undertaken thereunder from compliance with all dimensional, density, parking, landscaping or other provisions of this bylaw.

## 8.2 AFFORDABLE HOUSING REQUIREMENTS

### 8.2.1. Purpose

The purpose of this Section 8.2 is to:

- A. Promote the public health, safety and welfare by encouraging the expansion and improvement of the town's housing stock, especially its affordable housing;
- B. Provide for a full range of housing choices for households of all incomes, ages, and sizes;
- C. Minimize the displacement of lower-income Arlington residents; and
- D. Increase the production of affordable housing to meet employment needs.

### 8.2.2. Applicability

The provisions of this Section 8.2 shall apply to all new residential development with six or more units subject to Section 3.4, Environmental Design Review, comprised of any or all of the following uses:

- Single-family detached dwelling
- Two-family dwelling
- Duplex dwelling
- Three-family dwelling
- Townhouse structure
- Apartment building
- Apartment conversion
- Single-room occupancy building

Any residential development of the uses listed above involving one lot, or two or more adjoining lots in common ownership or common control, for which special permits or building permits are sought within a three-year period from the first date of special permit or building permit application shall comply with the provisions of this Section 8.2.

### 8.2.3. Requirements

- A. In any development subject to this Section 8.2, 15% of the dwelling units shall be affordable units as defined in Section 2 of this Bylaw. For purposes of this Section 8.2., each room for renter occupancy in a single-room occupancy building shall be deemed a dwelling unit. In determining the total number of affordable units required, calculation of a fractional unit of 0.5 or more shall be rounded up to the next whole number.

- B. The sale price or monthly rent of each affordable unit shall be calculated such that household size matches the number of bedrooms plus one.
- C. Affordable units shall conform to all requirements for inclusion in the Chapter 40B Subsidized Housing Inventory.
- D. Affordable units shall be included in the locus of the development. In exceptional circumstances, the Arlington Redevelopment Board may allow the developer to make a financial contribution to the Affordable Housing Trust Fund in lieu of providing affordable units, if it finds that:
  - (1) it is in the best interest of the Town to do so, or
  - (2) the provision of affordable units would result in a hardship that renders the development financially infeasible.

The financial contribution to the Affordable Housing Trust Fund for each affordable unit shall be equal to the difference between the full and fair cash market value of a market-rate unit and the affordable price of a comparable affordable unit, and shall be payable in full prior to issuance of a final occupancy permit.

- E. Affordable units shall be dispersed throughout the development and shall be comparable to market-rate units in terms of location, quality and character, room size, number of rooms, number of bedrooms and external appearance.

#### **8.2.4. Incentive**

Notwithstanding the special permit requirement under Section 6.1.10, Location of Parking Spaces, and 6.1.11, Parking and Loading Space Standards:

- A. The applicant shall have the option to reduce the number of spaces required in Section 6.1.4, Table of Off-Street Parking Regulations by up to 10 percent.
- B. In the case of a single-room occupancy building or dormitory, where more than 50% of the units are affordable to households earning no more than 60% of Area Median Income, the number of parking spaces for the affordable units may be reduced to 50% of the requirements, by special permit, where it can be shown that the parking provided will be sufficient for both residents and employees.

#### **8.2.5. Administration**

- A. The Arlington Redevelopment Board shall administer this Section 8.2 and may adopt administrative rules and regulations to implement its provisions.
- B. Occupancy permits may be issued for market-rate units prior to the end of construction of the entire development provided that occupancy permits for affordable units are issued simultaneously on a prorata basis.
- C. Sales prices, resale prices, initial rents and rent increases for affordable units shall be restricted to ensure long-term affordability to eligible households, to the extent legally possible.

- D. The affordable units shall be subject to a marketing plan approved by the Director of Planning and Community Development, consistent with federal and state fair housing laws and the Town of Arlington's approved Affirmatively Furthering Fair Housing plan and policies, on file in the Department of Planning and Community Development.
- E. To the extent not inconsistent with the provisions of [G.L. c.183A](#), condominium documentation shall provide the owners of the affordable units with voting rights sufficient to ensure an effective role in condominium decision-making.

All legal documentation shall be subject to review and approval by Town Counsel or its designee.

### **8.3 STANDARDS FOR MARIJUANA USES<sup>5</sup>**

For all marijuana uses, the following standards apply:

**A. General**

- (1) Marijuana Establishments and Medical Marijuana Treatment Centers shall be allowed only after the granting of an Environmental Design Review Special Permit by the Arlington Redevelopment Board, subject to the requirements of Section 3.4 and this Section.
- (2) Marijuana Retailers, Marijuana Delivery-Only Retailers, and Marijuana Production Facilities, as defined in Section 2, may be established to provide Marijuana Products for medical use, non-medical use, or both, in accordance with applicable state laws and regulations.
- (3) Marijuana Establishments and Medical Marijuana Treatment Centers shall be located only in a permanent building and not within any mobile facility, with the exception that Marijuana Microbusiness with a Delivery Endorsement and Marijuana Delivery-Only Retailers may conduct mobile deliveries in accordance with [935 CMR 500.000](#). All sales, cultivation, manufacturing, and other related activities shall be conducted within the building, except in cases where home deliveries are authorized to serve qualified medical marijuana patients pursuant to applicable state and local regulations and except that Marijuana Microbusiness with a Delivery Endorsement and Marijuana Delivery-Only Retailers may conduct sales in accordance with [935 CMR 500.000](#).
- (4) Marijuana Production Facilities shall not be greater than 5,000 square feet in gross floor area, and shall be licensed as a Marijuana Microbusiness if Marijuana Products are cultivated or produced for non-medical use.
- (5) A Marijuana Retailer or Marijuana Production Facility that has previously received an Environmental Design Review Special Permit from the Arlington Redevelopment Board for a Medical Marijuana Treatment Center shall be required to amend its previously issued Special Permit to authorize the conversion to or co-location of a Marijuana Establishment for the non-medical use of marijuana.

**B. Location**

- (1) Pursuant to [935 CMR 500.110](#), Marijuana Establishments shall not be permitted within 500 feet of a pre-existing public or private school providing education in kindergarten or any of grades one through 12. This standard also

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<sup>5</sup> The language seen here regarding marijuana delivery-only retailers in Section 8.3 is the language that was adopted by the 2021 Annual Town Meeting. Per the Office of the Attorney General's approval of the April 26, 2021 Annual Town Meeting amendments, the Town must ensure that this section is applied consistent with the Cannabis Control Commission regulations as updated effective January 8, 2021.

applies to Medical Marijuana Treatment Centers not already permitted by the date of this bylaw.

- (2) Marijuana Establishments and Medical Marijuana Treatment Centers, not already permitted by the date of this bylaw, shall not be located within 300 feet of Town-owned playgrounds and recreational facilities and 200 feet of public libraries, unless a finding of the Arlington Redevelopment Board determines that the location, based on site-specific factors, or if the Applicant demonstrates, to the satisfaction of the Arlington Redevelopment Board, that proximity to the aforementioned facilities will not be detrimental based upon criteria established in 3.3.3 and 3.3.4.
- (3) A Marijuana Retailer shall not be permitted within 2,000 feet of another Marijuana Retailer; A Medical Marijuana Treatment Center shall not be permitted within 2,000 feet of another Medical Marijuana Treatment Center.
- (4) The distances referred to in this section shall be measured as defined in [935 CMR 500.110\(3\)\(a\)](#).

C. Cap on the number of Special Permits for Marijuana Retailers

- (1) The Arlington Redevelopment Board shall not grant a special permit if doing so would result in the total number of Marijuana Retailer licenses to exceed a maximum of three.



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